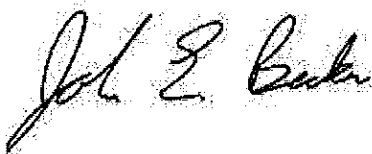


3. Public-sector Paycheck Protection – This prohibits state and local government employers from withholding union dues or fees from workers' wages. Additionally, unions will be prohibited from spending workers' money on political activities without workers' consent.
4. Public-sector Project Labor Agreements – This is the Michigan model approved by the US Court of Appeals for the Sixth Circuit. State and local government entities will be prohibited from engaging in contracts that minimize competition for construction projects by requiring that only union or non-union labor can be considered. A level playing field will be required.
5. Public-sector Union Recertification – Requires annual reconsideration and recertification of workers' bargaining units. This will open up competition for new bargaining units, will give workers a chance to have their voices heard, and will make union leadership accountable to their membership.

These proposals simply ask the General Assembly to put them on the ballot for the people to vote on them individually. Twenty-eight states and four out of five of Ohio's neighboring states have enacted Right-to-Work laws. Clearly, the nation's future is for all workers to have the right to work free of the burden of mandated union payments as a condition of employment. Ohio is being left behind, and it is time for the people to decide Ohio's future.

If you would like to co-sponsor this legislation or have any questions, please contact Joe Michalowski at (614) 466-8134 or [joe.michalowski@ohiohouse.gov](mailto:joe.michalowski@ohiohouse.gov). Please indicate which constitutional amendment(s) you wish to co-sponsor. **The deadline to co-sponsor is Wednesday, December 20, 2017, at 4:00 P.M.**

Thank you for your time and consideration of this legislation.



John Becker  
State Representative  
65<sup>th</sup> House District

# Ohio House of Representatives



Representative John Becker  
Ohio's 65<sup>th</sup> House District

## MEMORANDUM

**To:** GOP House Members  
**From:** Representative John Becker  
**Date:** Friday, December 15, 2017  
**RE:** Co-Sponsor Request: Six Right-to-Work Constitutional Amendments

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The following are six separate Right-to-Work related constitutional amendments in no particular sequence. Please join me in co-sponsoring one or more of the below:

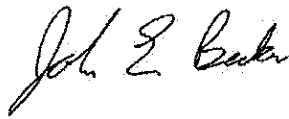
1. Private-sector Right-to-Work – No worker should be required to subsidize a union as a condition of employment. Additionally, this will tell the world that Ohio is “open for business.”
2. Public-sector Right-to-Work – This is about freedom of association. Like for the private sector, no worker should be required to subsidize a union as a condition of employment.
3. Public-sector Prevailing Wage – Repeals the requirement for taxpayers to pay artificially inflated wages, rather than those that are market-based.
4. Public-sector Paycheck Protection – This prohibits state and local government employers from withholding union dues or fees from workers’ wages. Additionally, unions will be prohibited from spending workers’ money on political activities without workers’ consent.
5. Public-sector Project Labor Agreements – This is the Michigan model approved by the US Court of Appeals for the Sixth Circuit. State and local government entities will be prohibited from engaging in contracts that minimize competition for construction projects by requiring that only union or non-union labor can be considered. A level playing field will be required.
6. Public-sector Union Recertification – Requires annual reconsideration and recertification of workers’ bargaining units. This will open up competition for new bargaining units, will give workers a chance to have their voices heard, and will make union leadership accountable to their membership.

These proposals simply ask the General Assembly to put them on the ballot for the people to vote on them individually. Twenty-eight states and four out of five of Ohio’s neighboring states

have enacted Right-to-Work laws. Clearly, the nation's future is for all workers to have the right to work free of the burden of mandated union payments as a condition of employment. Ohio is being left behind, and it is time for the people to decide Ohio's future.

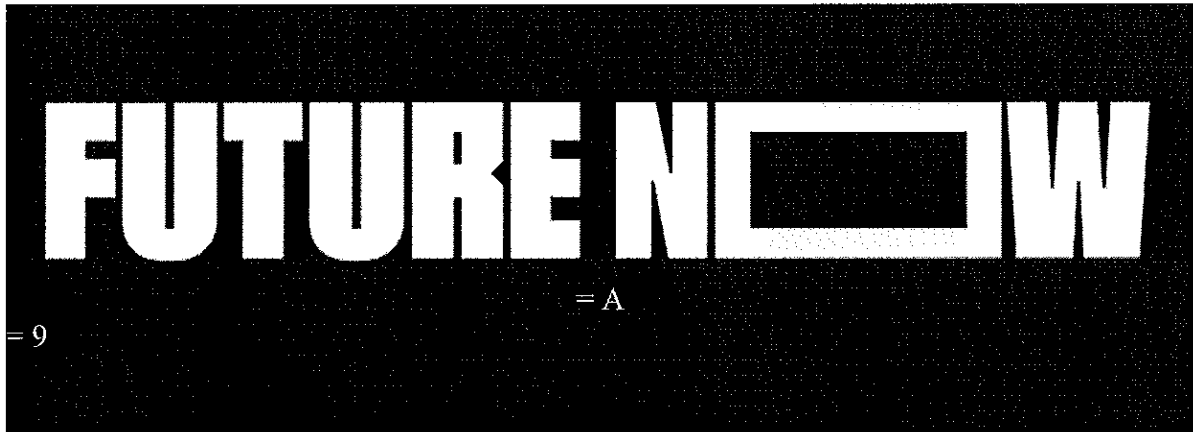
If you would like to co-sponsor this legislation or have any questions, please contact Joe Michalowski at (614) 466-8134 or [joe.michalowski@ohiohouse.gov](mailto:joe.michalowski@ohiohouse.gov). Please indicate which constitutional amendment(s) you wish to co-sponsor. The deadline to co-sponsor is Wednesday, December 20, 2017, at 4:00 P.M.

Thank you for your time and consideration of this legislation.

A handwritten signature in black ink, reading "John E. Becker". The signature is written in a cursive style with a large, stylized "J" and "B".

John Becker  
State Representative  
65<sup>th</sup> House District

**From:** Former State Senator Daniel Squadron  
**Sent:** Thursday, December 21, 2017 9:37 AM  
**To:** Rep30  
**Subject:** America's Goals - Last Chance to Become a Founding Signer



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Dear Representative Seitz:

As a former state legislator myself, I write today to ask you to consider becoming a **Founding Signer of the Pledge to Achieve America's Goals**, one of the select group of legislators who signs on during our launch year.

I came together this year with economist Jeffrey Sachs and entrepreneur Adam Pritzker to launch **Future Now**, a state-focused effort to replace today's cynical and divisive politics with a new focus on achieving our common goals.

When I was in office I was hesitant to sign pledges -- but this one is different. It's a pledge to work toward a set of shared American values called **America's Goals**, a



set of ambitious, measurable targets that reflect shared American values in seven areas:

- 1 GOOD JOBS**
- 2 AFFORDABLE QUALITY HEALTHCARE**
- 3 INVESTING IN CHILDREN**
- 4 EMPOWERING PEOPLE OVER SPECIAL INTERESTS**
- 5 EQUAL OPPORTUNITY FOR ALL**
- 6 SUSTAINABLE INFRASTRUCTURE, RESILIENCE, AND INNOVATION**
- 7 CLEAN AIR, WATER, AND ENERGY**

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And, we're here to help you achieve them. Last week we hosted the first-ever Future Now Solutions Summit -- bringing Virginia Delegates committed to America's Goals together with leading national policy groups to turn America's Goals into reality.

We look forward to working with our Founding Signers across the country to bridge the political divide and implement the most effective strategies to achieve America's Goals in their states. Please join us by signing the Pledge to Achieve America's Goals today:

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**Sign by Dec. 31 to Become a Founding Signer**

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Thank you and please let us know if you would like any further information on Future Now or the Pledge to Achieve America's Goals. I look forward to working with you.

Sincerely,

Daniel Squadron

Co-founder and Executive Director

Future Now

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P.S. Don't miss the powerful Roanoke Times op-ed incoming VA Delegates Hala Ayala and Chris Hurst wrote about America's Goals.

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Visit us at [FutureNowUSA.org](http://FutureNowUSA.org)



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**From:** cherishme200811@yahoo.com  
**Sent:** Tuesday, January 2, 2018 10:38 AM  
**To:** Rep30  
**Subject:** Say no to so-called right to work

First Name : Kendra

Last Name : Morgan

Address : 6588 Hearne Road

City : Dent

State : OH

Zip : 45248

Phone : 202.202.2020

Email : cherishme200811@yahoo.com

Subject :  
Say no to so-called right to work

---

Message :  
Bill Seitz,

I am asking you NOT to sign on as a co-sponsor for any of State Rep. John Becker's anti-worker constitutional amendments that are circulating the Ohio House of Representatives.

I am asking you to stand for workers in your district and our state and against these out-of-state parties. You were elected by Ohio voters, not out-of-state special interests. Ohio elected officials should represent the people of Ohio.

This dangerous and divisive matter was settled in 2011, when the people of Ohio voted down SB5. We stand together in Ohio for fair wages and safety regulations, and I do not want to see taxpayer dollars wasted on an attempt to undermine those rights.

Kendra Morgan  
cherishme200811@yahoo.com  
6588 Hearne Road  
Dent, Ohio 45248

**From:** Rep30  
**Sent:** Tuesday, January 2, 2018 3:54 PM  
**To:** 'timbreen6@gmail.com'  
**Subject:** RE: Please don't support any of Rep. Beckers Anti-Union Bills

Dear Mr. Breen,

Thank you for your email. As you may recall, I was one of the few Republicans to oppose Senate Bill 5, so I understand your concerns about overreach. I am not currently cosponsoring any of the six recently introduced proposals for constitutional amendments, and I would be surprised if they make it to the 2018 ballot.

That said, what is different about these proposals from Senate Bill 5 is that they are proposing a statewide vote of the citizens, not a legislatively enacted solution. If neither employers, workers, nor union members are supporting passage of these measures, then what better way to find out than to have statewide a vote? As you no doubt know, Kentucky, Indiana, Michigan, and West Virginia have all become "right to work" states in recent years--by legislative action. To Representative Becker's credit, he is not proposing that; instead, he is seeking a statewide vote on the six proposals he has drafted.

In any event, I appreciate you sharing your perspectives with me. Time will tell if any of these proposals will make it to the ballot in 2018, and while I am no prophet of the future, my guess is they will not.

Sincerely,

William J. Seitz

-----Original Message-----

From: timbreen6@gmail.com [<mailto:timbreen6@gmail.com>]  
Sent: Thursday, December 21, 2017 7:41 AM  
To: Rep30 <Rep30@ohiohouse.gov>  
Subject: Please don't support any of Rep. Beckers Anti-Union Bills

First Name : Tim

Last Name : Breen

Address : 5504 Sidney rd.

City : Cincinnati

State : OH

Zip : 45238

Phone : 202.202.2020

Email : [timbreen6@gmail.com](mailto:timbreen6@gmail.com)

Subject :  
Please don't support any of Rep. Beckers Anti-Union Bills

Message :  
Bill Seitz,

I am deeply disturbed by the recent co-sponsorship request from Representative Beckers's office that puts forward six different anti-worker Constitutional Amendments. I am asking you as your constituent and a voter to not sign on as a co-sponsor or to support any of these proposals and to actively work to ensure that none of them advance to the Senate.

These six proposals would effectively undo labor law that has helped serve as a catalyst to create Ohio's middle class.

These proposals are nothing but an attempt by out-of-state groups like ALEC to silence workers at the workplace and slash wages and benefits at a time when they have been stagnant for far too long.

Neither employers nor workers and union members like myself are asking for these union-busting bills to be enacted.

Working people overwhelmingly rejected these types of attacks in 2011 when they used the citizens' veto and repealed Senate Bill 5. Ohioans strongly believe that it is past time to put the ugliness and spitefulness behind us and work to find common ground with all political parties, business and labor, on different ways to grow our economy from the middle out and raise wages for all.

Thank you for your consideration on this vital matter.

Tim Breen  
[timbreen6@gmail.com](mailto:timbreen6@gmail.com)  
5504 Sidney rd.  
Cincinnati, Ohio 45238

**From:** Policy Matters Ohio

**Sent:** Monday, January 15, 2018 9:01 AM

**To:** Rep30

**Subject:** STATEMENT: Honor Martin Luther King by continuing the fight

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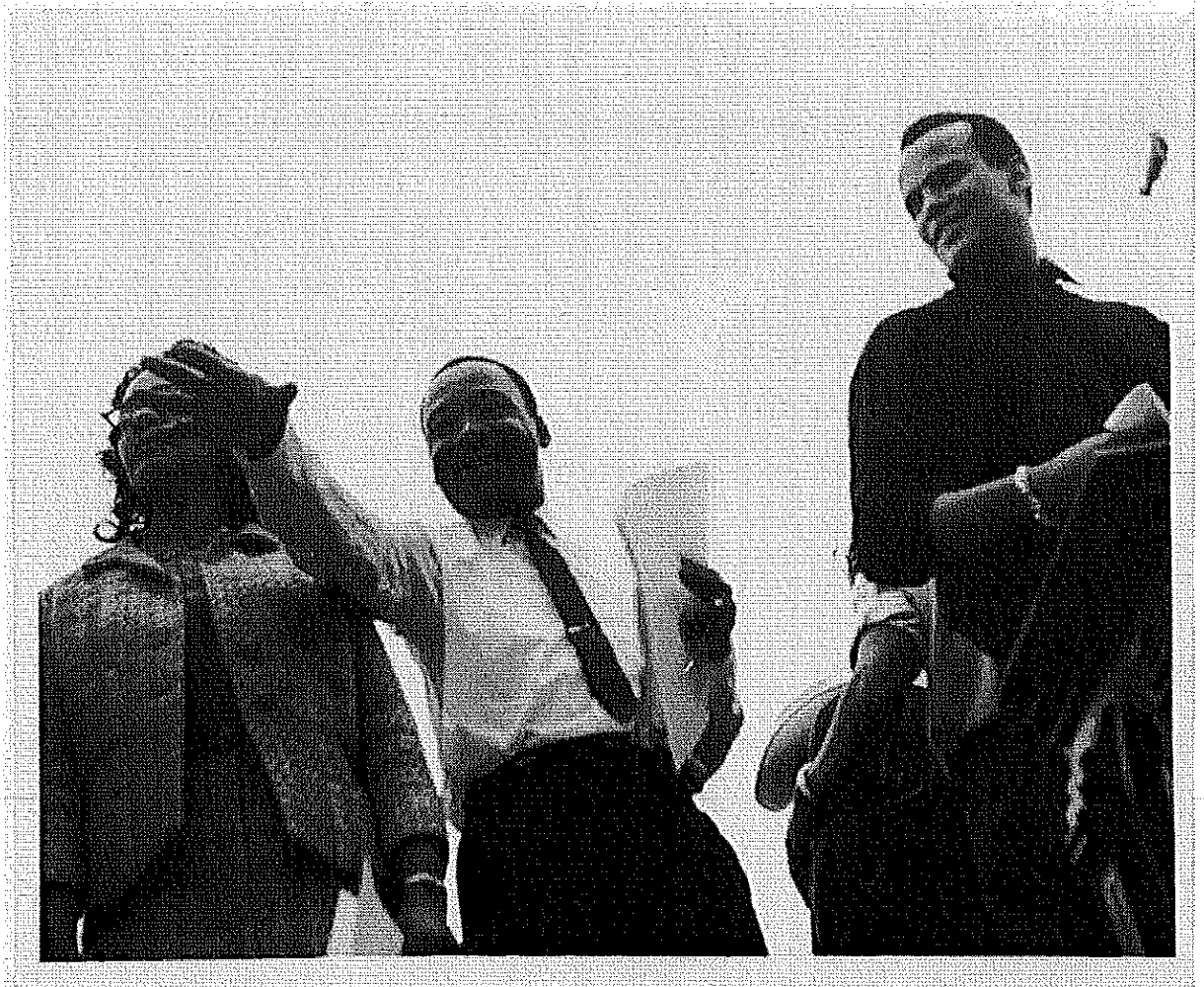
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**PRESS STATEMENT**

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**Honor Martin Luther King by continuing the fight**



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*Coretta Scott King, Martin Luther King, Jr. and singer Harry Belafonte in 1965. Photo: Center for Jewish History*

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**Contact:** Amy Hanauer  
**216.361.9801**

In honor of Dr. Martin Luther King, Jr. Day, Policy Matters Ohio Executive Director Amy Hanauer releases the following statement:



"Nearly 50 years ago, Martin Luther King was murdered in Memphis, Tenn. by a racist white man. King travelled there to support the city's black sanitation workers in their strike protesting dangerous work conditions and unfair wages. It was part of King's Poor People's Campaign, which expanded the struggle for racial justice from desegregation and voting rights to economic security.

"There is nothing new about poverty," he wrote in his final book, "Where Do We Go from Here: Chaos or Community? "What is new, however, is that we now have the resources to get rid of it... Why should there be hunger and privation in any land, in any city, at any table, when man has the resources and the scientific know-how to provide all mankind with the basic necessities of life? There is no deficit in human resources, the deficit is in human will."

King knew the American dream would remain out of reach for black people until they could access decent housing, fair wages, safe working conditions, good schools and quality health care. He knew in many ways, the dream eluded white Americans living in poverty as well.

At Policy Matters Ohio, we try to honor King's legacy by insisting on policies that recognize the dignity of all people. This year, we face several big fights. Having just drastically cut taxes to benefit the wealthiest few, President Trump and Republicans in Congress now aim to slash funding for programs that broaden opportunity like Medicaid, food aid, college assistance, public education and more. Children of undocumented immigrants who know no other home, could face deportation after Trump scrapped a program that allowed them to come out of the shadows and contribute to society without fear.

In Ohio, GOP lawmakers are pushing so-called "right to work" laws that would weaken labor unions — the single most effective tool in protecting workers' rights, ensuring decent wages and shrinking workplace barriers for people of color and women. With the Trump administration's blessing, state policymakers are pursuing work requirements, premiums and co-pays that would make it harder for low-income Ohioans to access health care through Medicaid.

These are challenging times, but something powerful has broken free across Ohio and the United States. We see it in the thousands who marched in D.C. and locally last year; the endless calls to members of Congress in defense of the Affordable Care Act and the outcry of support for our immigrant neighbors. The human will for change is building. Join us as we strive to answer King's call and 'bend the arc of the moral universe towards justice.'"

[Read online](#)

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**From:** Kenny McDonald

**Sent:** Monday, January 15, 2018 2:27 PM

**To:** Rep30

**Subject:** MLK on "Facing the Challenge of a New Age": Economic Development Matters

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Celebrating Dr. Martin Luther King, Jr.  
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A NOTE FROM OUR CEO

As we pause to celebrate Dr. Martin Luther King, Jr., I am struck again by his words and his wisdom. Whatever you are striving for in your community, the following excerpt from one of his addresses should serve you well.

*-Kenny McDonald*

### **Facing the Challenge of a New Age**

by Dr. Martin Luther King, Jr.

"Those of us who live in the Twentieth Century are privileged to live in one of the most momentous periods of human history. It is an exciting age filled with hope. It is an age in which a new social order is being born. We stand today between two worlds: the dying old and the emerging new.

Now I am aware of the fact that there are those who would contend that we live in the most ghastly period of human history. They would argue that the rhythmic beat of the deep rumblings of discontent from Asia, the uprisings in Africa, the nationalistic longings of Egypt, the roaring cannons from Hungary, and the racial tensions of America are all indicative of the deep and tragic midnight which encompasses our civilization. They would argue that we are retrogressing instead of progressing. But far from representing retrogression and tragic meaninglessness, the present tensions represent the necessary pains that accompany the birth of anything new. Long ago the Greek philosopher Heraclitus argued that justice emerges from the strife of opposites, and Hegel, in modern philosophy, preached a doctrine of growth through struggle. It is both historically and biologically true that there can be no birth and growth without birth and growing pains. Whenever there is the emergence of the new we confront the recalcitrance of the old. So the tensions which we witness in the world today are indicative of the fact that a new world order is being born and an old order is passing away."

-Excerpt from the "Facing the Challenge of a New Age" address delivered by Dr. King on December 3, 1956 at the First Annual Institute on Nonviolence and Social Change

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**From:** Public Policy Law360  
**Sent:** Tuesday, January 16, 2018 5:29 AM  
**To:** Rep30  
**Subject:** Law360 Names Practice Groups Of The Year



Tuesday, January 16, 2018



## TOP NEWS

### **Law360 Names Practice Groups Of The Year**

Law360 congratulates the winners of its 2017 Practice Group of the Year awards, which honor the law firms behind the litigation wins and major deals that resonated throughout the legal industry in the past year. [Read more »](#)

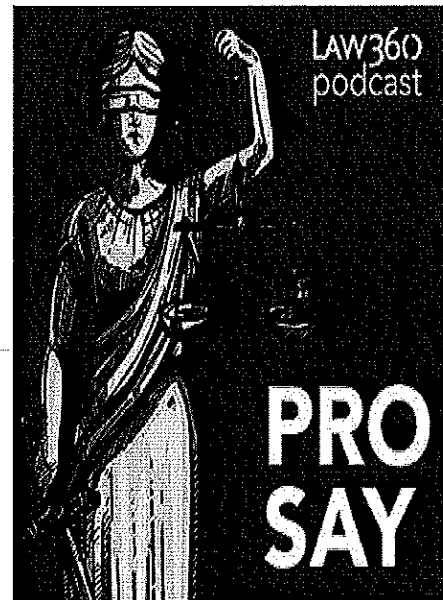
### **The Firms That Dominated In 2017**

Law360's Firms of the Year rose above the competition with a combined 24 Practice Group of the Year awards after helping their clients win game-changing judgments and close record-breaking deals in 2017. Here's a closer look at how they landed at the top. [Read more »](#)

#### **Analysis**

### **Ex-US Attys Say Justice Best Served By Diverse Group**

Former U.S. attorneys interviewed by Law360 said that having a diverse group of people in the job does more than contribute to positive perceptions of the Department of Justice: it can build bridges, prevent abuse and help DOJ leadership make better decisions. [Read more »](#)



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#### **LAW FIRMS**

Akerman  
Akin Gump  
Alston & Bird  
Anderson & Kreiger  
Archer & Greiner  
Arnold & Porter Kaye Scholer  
Ausley & McMullen  
Baker McKenzie

### **Gov't Must Pay Halted ACA Funds, Insurer Says**

The Trump administration indisputably flouted the Affordable Care Act by cutting off millions of dollars in reimbursement for reduced copays and deductibles, a nonprofit health insurer told the U.S. Court of Federal Claims on Friday. [Read more »](#)

### **No Major Changes Needed For Tax Bill, Speaker Ryan Says**

House Speaker Paul Ryan, R-Wis., acknowledged in an interview that aired Friday that Congress likely will need to make technical corrections to the \$1.5 trillion tax bill passed by Congress at the end of last year but added that any changes made likely would be small. [Read more »](#)

### **Trump Extends Iran Sanctions Waiver But Wants Deal Remade**

President Donald Trump has again extended a sanctions waiver granted to Iran under the 2015 nuclear deal, saying Friday it's the final time he will do so unless the deal is significantly overhauled, as his administration announced additional sanctions against certain Iranian and related entities. [Read more »](#)

### **Drug, Device Makers Cheer As FDA Punts Off-Label Policy**

The U.S. Food and Drug Administration on Friday once again delayed a controversial new policy related to off-label promotion, drawing cheers from drug and device makers that have decried the agency's approach. [Read more »](#)

## **BANKING & SECURITIES**

### **Supreme Court Agrees To Review SEC's In-House Judges**

The U.S. Supreme Court agreed Friday to consider whether the hiring of U.S. Securities and Exchange Commission administrative law

BakerHostetler  
Ballard Spahr  
Bancroft PLLC  
Bangs McCullen  
Barnes & Thornburg  
Beasley Allen  
Beveridge & Diamond  
Bowman and Brooke  
Bracewell  
Brach Eichler  
Brann & Isaacson  
Bredhoff & Kaiser  
Caplin & Drysdale  
Cleary Gottlieb  
Cohen Milstein  
Covington & Burling  
Crowell & Moring  
Cullen Law Firm  
Davis Polk  
Davis Wright Tremaine  
Debevoise & Plimpton  
Dentons  
Dewey & LeBoeuf  
Doar Rieck  
Downs Rachlin  
Duane Morris  
Earthjustice  
Emery Celli  
Epstein Becker Green  
Faegre Baker  
Fenwick & West  
Fish & Richardson  
Fredericks Peebles  
Freshfields  
Fried Frank  
Gibson Dunn  
Goldstein & Russell  
Goodwin

judges violates the appointments clause of the Constitution, a case that could call into question the legitimacy of past rulings by the administrative judges. [Read more »](#)

### **Credit Union Argues It Has Power To Challenge CFPB Role**

A New York credit union on Friday attempted to convince a federal judge that it has the power to bring a lawsuit seeking to challenge President Donald Trump's appointment of a White House official to lead the Consumer Financial Protection Bureau on an acting basis. [Read more »](#)

## **ENERGY & ENVIRONMENTAL**

### **Researcher Sues EPA For Access To Officials' Emails**

An environmental researcher and Harvard University librarian on Friday sued the U.S. Environmental Protection Agency, alleging it has improperly withheld emails he requested between Administrator Scott Pruitt and his chief of staff, as well as other employees. [Read more »](#)

### **Coastal Senators Seek Ban On Drilling In Northeastern US**

A bipartisan congressional delegation representing the northeastern U.S. this week mounted legislative action aiming to shield the nation's pre-eminent fishing region from a White House plan that would open nearly all American waters to oil and gas drilling next year. [Read more »](#)

### **Fracking Case Now Moot, Ute Indian Tribe Tells 10th Circ.**

The Ute Indian Tribe on Thursday told the Tenth Circuit that an appeal of a lower court order striking down the U.S. Bureau of Land Management's strengthening of regulations for fracking on federal and Native American lands should be tossed, saying the case is moot

Greenberg Traurig  
Gupta Wessler  
Hogan Lovells  
Holland & Knight  
Horwood Marcus  
Hughes Hubbard  
Hunton & Williams  
Jenner & Block  
Jones Day  
Kelley Drye  
Kellogg Hansen  
King & Spalding  
Kirkland & Ellis  
Labaton Sucharow  
Latham & Watkins  
Littler Mendelson  
Mayer Brown  
McDermott Will  
McKool Smith  
Morgan Lewis  
Morrison & Foerster  
Munger Tolles  
Norton Rose Fulbright  
O'Melveny & Myers  
Ogletree Deakins  
Oles Morrison  
Outten & Golden  
Park Jensen Bennett  
Paul Hastings  
Paul Weiss  
Perkins Coie  
Pillsbury Winthrop  
Proskauer Rose  
Quinn Emanuel  
Reed Smith  
Robbins Geller  
Ropes & Gray  
Seeger Weiss



because the rule at issue has been axed. Read more »

### **GOP Enviro Leaders Support Clean Power Plan Rollback**

A group of Senate Republicans told the U.S. Environmental Protection Agency in a letter on Friday that they were on board with the agency's proposal to repeal the Obama-era Clean Power Plan, saying the plan would be disastrous for American communities and jobs. Read more »

### **Pa. Court Limits Review Over State's Use Of Gas Lease Funds**

Following a landmark Pennsylvania Supreme Court ruling last year limiting the state's use of payments from gas leases on public lands, a panel of judges has said that further review in the dispute will not include whether the funds can be put toward a conservation agency's operating costs. Read more »

## **TRANSPORTATION & INFRASTRUCTURE**

### **DC Circ. Partly Revives Truckers' DOT Safety Records Suit**

The D.C. Circuit on Friday rejected most of a suit from independent commercial truck drivers alleging the U.S. Department of Transportation mishandled safety citation records that can hurt truckers' job prospects and business reputations, saying there wasn't enough proof of actual harm, but revived two drivers' claims. Read more »

## **INSURANCE**

### **Fla. House Passes Bill Aimed At 3rd-Party Insurance Payouts**

The Florida House of Representatives on Friday passed a bill designed to curtail perceived abuses of a system that allows repair contractors to pursue payment directly from property owners' insurance carriers,

Seyfarth Shaw  
Sidley Austin  
Simpson Thacher  
Skadden  
Steptoe & Johnson LLP  
Stradley Ronon  
Sullivan & Cromwell  
Susman Godfrey  
Venable LLP  
Vinson & Elkins  
Weil Gotshal  
White & Case  
Wiley Rein  
Williams & Connolly  
Willkie Farr  
WilmerHale  
Wilson Sonsini  
Winston & Strawn  
Zuckerman Spaeder  
ZwillGen PLLC

## **COMPANIES**

7-Eleven Inc.  
AIXTRON SE  
AT&T Inc.  
AdvaMed  
Aetna Inc.  
Aleris Corp.  
Allstate Corporation  
American Bar Association  
American Federation of State, County and Municipal Employees  
Apple Inc.  
Associated Press  
Association of Corporate Counsel  
Avalara Inc.  
Avvo Inc.  
BNSF Railway  
Bank of America Corporation

which the insurance industry has blamed for increases in premiums. [Read more »](#)

## EMPLOYMENT

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### **Trump Taps Morgan Lewis Vet To Round Out NLRB**

President Donald Trump on Friday selected Morgan Lewis & Bockius LLP partner John Ring to fill the lone vacancy on the five-member National Labor Relations Board, moving to restore a Republican majority that was lost following the departure of board chair Phil Miscimarra in December. [Read more »](#)

### **Public Workers, Ill. AG Back Union Fees At High Court**

The American Federation of State, County and Municipal Employees and Illinois Attorney General Lisa Madigan urged the U.S. Supreme Court not to block state unions from making workers cover bargaining costs, arguing in briefs filed Friday in a pivotal case for public sector labor that so-called agency fees are constitutional. [Read more »](#)

## COMPETITION

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### **ABA Sections Warn Of Risks In Regulating Online Platforms**

The antitrust and international law sections at the American Bar Association on Wednesday shared their concerns about the potential chilling effects of additional regulations for online platforms like e-commerce operations and search engines recently floated by the European Commission. [Read more »](#)

## CONSUMER PROTECTION

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### **CFPB Leadership Battle Heads To DC Circ.**

Consumer Financial Protection Bureau Deputy Director Leandra English on Friday continued her fight to lead the powerful financial regulator by asking a federal appeals court to remove

Bayer AG  
Blue Apron Inc.  
CVS Caremark Corporation  
Cable-Satellite Public Affairs Network  
CenturyLink Inc.  
Comcast Corporation  
DXC Technology Co.  
Duke Energy Corporation  
Dunkin' Brands Group Inc.  
Econ One Research Inc.  
Ernst & Young  
Exxon Mobil Corporation  
Facebook  
Florida Justice Association  
Global Eagle Entertainment Inc.  
Google Inc.  
Hearst Corp.  
Hubbell Inc.  
Hulu LLC  
Instagram Inc.  
International Brotherhood of Teamsters  
Internet Brands, Inc.  
JLL Partners  
Johnson & Johnson  
Jones Lang LaSalle Inc.  
Kirkland's, Inc.  
Lattice Semiconductor Corporation  
Lexmark International, Inc.  
LifeLock Inc.  
LinkedIn Corp.  
Los Angeles Times  
McDonald's Corporation  
Memorial Sloan Kettering Cancer Center  
Mercedes-Benz  
National Collegiate Athletic Association

President Donald Trump's choice to serve as the bureau's acting director. [Read more »](#)

## INTERNATIONAL TRADE

### Analysis

#### **What You Need To Know About The Latest Steel Trade Fight**

President Donald Trump may be poised to impose sweeping restrictions on steel imports that would bring an end to a nearly yearlong saga examining the intersection of trade policy and U.S. national security interests. As the president mulls his next move, here's everything you need to know about one of the year's most intriguing trade battles. [Read more »](#)

## TAX

#### **High Court To Consider Internet Retail Taxes' Reach**

The U.S. Supreme Court on Friday agreed to hear South Dakota's challenge to *Quill v. North Dakota*, setting the stage for the high court to decide whether states may compel retailers that do not have a physical presence within their borders to collect and remit use tax. [Read more »](#)

#### **Mnuchin Calls Attempts To Skirt SALT Cap 'Ridiculous'**

U.S. Department of Treasury Secretary Steven Mnuchin on Thursday called efforts by states such as California, New York and New Jersey to limit the scaling back of state and local tax deductions "ridiculous." [Read more »](#)

#### **First Parts Of 'Urgent' Swiss Tax Plan Slotted For 2019**

The Swiss government has announced that the first measures of its tax reform plan could roll out by the start of 2019, citing the "urgent" need to keep Switzerland competitive in the

National Conference of State Legislatures

National Right to Work Legal Defense Foundation

Netflix Inc.

New York Times Co.

New York University

Newegg Inc.

Oculus VR LLC

Overstock.com Inc.

Owner-Operator Independent Drivers Association Inc.

PhRMA

Retail Litigation Center Inc.

Sierra Club

Skype Technologies SA

Snap Inc.

SoftBank Group Corp.

Spokeo Inc.

Spotify Technology SA

TAM SA

Tax Foundation

TelexFree LLC

The Renco Group

Twitter Inc.

U.S. Chamber of Commerce

United Steelworkers

UnitedLex Corp.

Washington Post Co.

Wayfair LLC

YouTube Inc.

## GOVERNMENT AGENCIES

Bureau of Land Management

Committee on Foreign Investment in the United States

Consumer Financial Protection Bureau

Council on Environmental Quality

Department of Commerce

wake of a global trend to lower corporate rates.  
[Read more »](#)

## IMMIGRATION

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### **DACA Deal Uncertain After Trump's Derogatory Comments**

President Donald Trump's inflammatory comments about migration from what he described as "shithole" countries drew widespread condemnation Friday while an underlying bipartisan legislative replacement for the Deferred Action for Childhood Arrivals program hangs in doubt. [Read more »](#)

### **Fla. House Passes Ban On Sanctuary Cities**

The Florida House of Representatives on Friday passed a controversial measure that would ban so-called sanctuary cities in the state, but the bill faces steep odds in the Senate. [Read more »](#)

### **Gov't Denied Quick Win In Soldiers' Citizenship Suit**

A D.C. district judge on Thursday rejected the federal government's bid for a quick win in a class action in which soldiers allege the military improperly changed the requirements for expedited naturalization applications. [Read more »](#)

## NATIVE AMERICAN

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### **Senate Sends Bill To Recognize Va. Tribes To Trump's Desk**

A half dozen Native American tribes in Virginia could soon be recognized by the federal government after the U.S. Senate on Thursday approved a measure to have the United States formally acknowledge them, sending the bill to President Donald Trump's desk. [Read more »](#)

## TELECOMMUNICATIONS

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European Commission  
European Union  
Executive Office of the President  
Federal Bureau of Investigation  
Federal Communications Commission  
Federal Judicial Center  
Federal Motor Carrier Safety Administration  
Federal Trade Commission  
Florida House of Representatives  
Florida Office of Insurance Regulation  
Florida State Senate  
Food and Drug Administration  
Internal Revenue Service  
National Labor Relations Board  
National Security Agency  
Occupational Safety and Health Review Commission  
Office of Foreign Assets Control  
Office of the U.S. Trade Representative  
Pennsylvania Supreme Court  
Securities and Exchange Commission  
Smithsonian Institution  
South Dakota Department of Revenue  
U.S. Army  
U.S. Attorney's Office  
U.S. Department of Defense  
U.S. Department of Health and Human Services  
U.S. Department of Homeland Security  
U.S. Department of Justice  
U.S. Department of Transportation  
U.S. Department of the Interior  
U.S. Department of the Treasury

## **Municipal ISPs Offer Better Value, Harvard Study Suggests**

Municipal broadband networks offer consumers better value than commercial internet service providers in most cases, a Harvard study recently found, although a lack of data on broadband service dynamics obfuscates the picture. [Read more »](#)

## **WHITE COLLAR**

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### **Mueller's Team Seeks May Trial Date For Manafort, Gates**

Paul Manafort, the indicted former campaign manager to President Donald Trump, may face trial as soon as May, according to a filing Friday by the special counsel spearheading an investigation into the Trump campaign that also outlined plans for future evidence exchange. [Read more »](#)

#### **Analysis**

### **Justices Likely To Set New Tax Standard For Remote Vendors**

The U.S. Supreme Court shocked the tax bar Friday by accepting South Dakota's direct challenge to the court's 1992 ruling that retailers must have a physical presence within a state to be liable for collection and remittance of use taxes, signaling the court's willingness to rethink that precedent in the age of internet sales. [Read more »](#)

## **EXPERT ANALYSIS**

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### **The Public Finance Industry Dodged A Tax Reform Bullet**

The passage of the tax bill brought an end to a nearly two-month rollercoaster ride that had the public finance industry white-knuckled and a little green in the face. The final bill belied initial assurances that tax reform "won't touch tax-exempt bonds," but the end result could have been a lot worse, say Victoria Ozimek

U.S. Environmental Protection Agency

U.S. House of Representatives

U.S. Immigration and Customs Enforcement

U.S. Office of Personnel Management

U.S. Postal Service

U.S. Senate

U.S. Supreme Court

Ute Indian Tribe

World Trade Organization

and Brian Teaff of Bracewell LLP. [Read more »](#)

### **A Momentous Year For CFIUS: Part 1**

The Committee on Foreign Investment in the United States was the subject of more focus, change and consequence in 2017 than it had been in at least a decade. It appears that the significant CFIUS developments last year soon may be followed by formal legal changes, say attorneys with Wilson Sonsini Goodrich & Rosati PC. [Read more »](#)

### **NJ's Evolving Health Care Arena: Trends To Watch In 2018**

New Jersey is one of the most competitive and heavily regulated states in terms of health care, making it a good barometer for how the industry is evolving nationally. As physicians and medical groups deal with issues like flat reimbursement from insurance providers and the rapidly rising costs of operating a medical practice, the ways in which doctors deliver health care will continue to change in 2018, says John Fanburg of Brach Eichler LLC. [Read more »](#)

### **Balancing Vertical Integration In Calif.'s Cannabis Industry**

Given the incentives to organize vertically, California cannabis regulators will need to identify and challenge harmful vertical integration, but allow efficiency-improving integration in cannabis markets and revise regulations to reduce inefficiencies, says Georgina Moreno of Econ One Research Inc. [Read more »](#)

### **How Tax Reform Will Change FCA Settlements**

Little attention has been paid to a provision of the new tax law that requires federal agencies to specify, at the time of settlement of government claims, the portion of the settlement that may be deductible as a business expense. This is sure to impact False Claims Act and other settlements involving the

government going forward, say attorneys with Fried Frank Harris Shriver & Jacobson LLP. [Read more »](#)

## **5 Advertising Law Trends To Watch In 2018**

Legal and technological disruptions in the advertising space last year outpaced the development of prior years. Although many topics contributed to this industry upheaval, there are five trends that shaped 2017 and will continue to develop in the coming years, say Jason Gordon and Andrew Levad of Reed Smith LLP. [Read more »](#)

## **LEGAL INDUSTRY**

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### **New Group To Probe Workplace Harassment In Federal Courts**

The Administrative Office of the U.S. Courts has launched a working group to examine the policies in place to protect employees of the federal judiciary from workplace harassment, the office announced on Friday. [Read more »](#)

### **High Court Vet Joins Quinn Emanuel From Kirkland**

U.S. Supreme Court heavy hitter Chris Landau is moving to Quinn Emanuel Urquhart & Sullivan LLP after 25 years at Kirkland & Ellis LLP, joining a growing appellate group formed by his former Harvard law professor Kathleen Sullivan. [Read more »](#)

### **Final Dewey Cooperator Gets No Jail Time**

The final cooperator in the Manhattan district attorney's criminal case against former executives at the once prominent law firm of Dewey & LeBoeuf LLP was sentenced to unconditional release on Friday, presumably ending the saga that absorbed the legal industry. [Read more »](#)

### **Up Next At High Court: Betraying A Client, Appellate Rules**

A lawyer's courtroom betrayal of his client in a Louisiana murder trial is likely the juiciest item on the Supreme Court's oral argument calendar this week, but other cases involving the right of appeal in consolidated cases and a controversial question under the Fair Labor Standards Act could have major implications for the appellate and employment bars. Here's what to expect. [Read more »](#)

### **Legal Tech Download: Acquisition Fever**

The world of legal technology is quickly evolving, with new products coming to market in rapid succession. Here, Law360 takes a look at seven major recent developments. [Read more »](#)

### **GC Cheat Sheet: The Hottest Corporate News Of The Week**

The head of a conservative think tank slammed attacks against the Federal Communications Commission's Republican chairman over the agency's vote to repeal net neutrality, federal immigration officials inspected almost 100 7-Eleven stores across the country, and lawmakers in various states proposed legislation to quell workplace sexual harassment. These are some of the stories in corporate legal news you may have missed in the past week. [Read more »](#)

#### **Podcast**

### **Law360's Pro Say: When To Walk Away From A Dangerous Client**

On the latest episode of Law360's Pro Say podcast, the team discusses how to know when it is time to ditch a dangerous client like Martin Shkreli, the latest developments over the Deferred Action for Childhood Arrivals immigration program, a case striking down partisan gerrymandering, and a bizarre 5-bite diet. [Read more »](#)

### **In Case You Missed It: Hottest Firms And Stories On Law360**



For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week. [Read more »](#)

## **JOBS**

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Wednesday, January 17, 2018



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## TOP NEWS

### Analysis

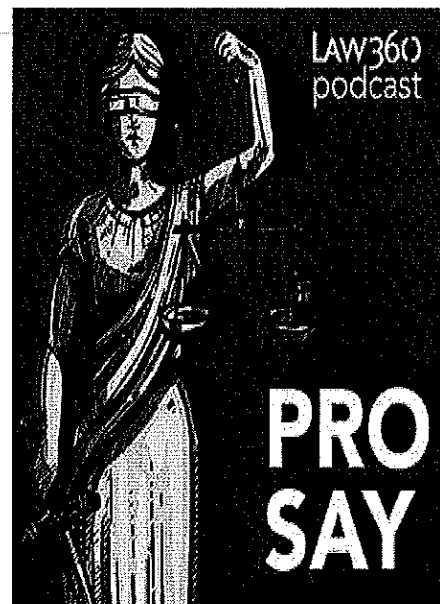
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LAW FIRMS

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House and Senate lawmakers have called on Congress to pass legislation that would address tax collections from online sales in light of the U.S. Supreme Court's decision to

Akerman

Altshuler Berzon

Ballard Spahr

Cantey Hanger

Cotchett Pitre

Covington & Burling

Crowell & Moring

Doar Rieck

Eversheds Sutherland

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Foley & Lardner

Gibson Dunn

Greenberg Traurig

Haynes and Boone

Hogan Lovells

Jackson Walker

Jones Day

= 9

K&L Gates

Keller and Heckman

Mayer Brown

= 9

MoloLamken LLP

Norton Rose Fulbright

O'Melveny & Myers

Obermayer Rebmann

Ogletree Deakins

Paul Weiss

Proskauer Rose

Sanford Heisler

Squire Patton Boggs

Stroock & Stroock

Wilson Sonsini

Womble Bond Dickinson

COMPANIES

21st Century Fox Inc.

APL Co. Pte Ltd.

Altman Weil Inc.

take up South Dakota's appeal challenging barriers to the taxes. = 9 Read more »

## ENERGY & ENVIRONMENTAL

### **Exxon Insists Climate Change Speech Claims Are Valid**

ExxonMobil told a judge Friday it has made its case that climate change probes launched by the attorneys general of New York and Massachusetts violate its free speech rights, documenting meetings between New York Attorney General Eric Schneiderman and climate activists to bolster its argument. Read more »

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### **Nez Perce Tell 9th Circ. Water Release Order Is Sound**

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The Nez Perce Tribe told the Ninth Circuit on Friday that a lower court's determination that the government must boost water releases and monitoring at a series of dams along the Columbia and Snake rivers to protect salmon and steelhead was correct, arguing the order was necessary and lawful. Read more »

### **Energy Corp. Pays \$1.7M Over Pa. Fracking Site Violations**

= A Pennsylvania environmental regulators announced Tuesday they had collected \$1.7 million in fines from Energy Corp. of America following a series of spills and other violations at natural gas fracking sites across two counties. Read more »

## HEALTH & LIFE SCIENCES

### **NJ Opioid Laws Tackle Rx Fraud, Nix Antidote Liability**

As part of the crackdown on New Jersey's opioid crisis in the waning days of his administration, outgoing Gov. Chris Christie on Monday approved measures that would

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American Civil Liberties Union

Bayer AG

CTIA

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Cable-Satellite Public Affairs Network

Cato Institute

Citigroup Inc.

Clearfield Inc.

Community Financial Corp.

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Competitive Carriers Association

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Exxon Mobil Corporation

Gallup Inc.

General Electric Company

General Motors

Goldman Sachs Group Inc.

Google Inc.

Grant Thornton LLP

Home Depot, Inc.

Marriott International Inc.

MetLife Inc.

Monsanto Company

National Association of Manufacturers

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National Consumer Law Center

National Right to Work Legal Defense Foundation

National Wildlife Federation

Pacific Legal Foundation

Tesla Motors Inc.

The Boeing Company

= 9

The Seattle Times

Twitter Inc.

Wayfair LLC

strengthen painkiller prescription monitoring rules and grant immunity to first responders who have to administer overdose antidotes. Read more »= A

### **Harmonized E-Cig Tax Rates Require More Info, EU Says**

= A The European Commission announced Friday it would hold off proposing a measure to tax electronic cigarettes uniformly across the European Union, saying more information on the product was needed, including data on possible health effects. Read more »

### **EMPLOYMENT**

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### **NJ Gov. Murphy Signs Equal Pay Order In First Official Act = 9**

In his first official move after being sworn in Tuesday, New Jersey Gov. Phil Murphy made good on a campaign promise to promote equal pay for women by banning public employers from using job applicants' salary histories as a hiring consideration. Read more »

### **PRIVACY & CYBERSECURITY**

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### **Senate Starts Gov't Spying Debate Despite Privacy Objections**

= 9 The Senate started the process to renew a key National Security Agency international spying authority Tuesday, despite objections from a bipartisan group of senators over privacy concerns. Read more »

### **CONSUMER PROTECTION**

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### **Mich. Lobbying Firm Slams AG Subpoena In Tesla Sales Row**

A lobbying firm objected Monday in Michigan federal court to a subpoena from the state

Wells Fargo & Co.

Zeughauser Group LLC

= 9

eBay Inc.

### **GOVERNMENT AGENCIES**

Army Corps of Engineers

Committee on Foreign Investment in the United States

Consumer Financial Protection Bureau

European Commission

European Union

Executive Office of the President

Federal Bureau of Investigation

Federal Communications Commission

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Federal Emergency Management Agency

Government Accountability Office

### **Maritime Administration**

National Aeronautics and Space Administration

National Marine Fisheries Service

National Security Agency

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New Jersey Legislature

New York Attorney General's Office

Nez Perce Tribe

Office of Federal Procurement Policy

Ohio Department of Taxation

Ohio Supreme Court

Securities and Exchange Commission

attorney general in Tesla's suit over a Michigan law passed in 2014 that bans the automaker from selling directly to consumers, saying the subpoena is too broad and would unfairly burden the firm. Read more »

## = 9 AEROSPACE & DEFENSE

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### **Dem Ire, GOP Dodge On Trump Meeting Roil DACA Hearing**

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Sen. Lindsey Graham, R-S.C., encouraged Congress to get back on track with negotiations over a bipartisan legislative replacement for the Deferred Action for Childhood Arrivals program at a Senate Judiciary Committee hearing Tuesday after President Donald Trump reportedly made derogatory remarks about immigrants from "shithole countries." Read more »

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### **Trump Taps Ex-Military Judge As Air Force Legal Chief**

President Donald Trump on Friday nominated two former generals, one of whom is a former military judge, for roles as a senior manpower official in the U.S. Department of Defense and as the new legal chief for the U.S. Air Force. Read more »= A

## INTERNATIONAL TRADE

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### **DOT Slams Matson's Challenge To Rival= 2s Gov't Subsidies**

The U.S. Department of Transportation told the D.C. Circuit Friday that Matson Navigation Co.'s "untimely" challenge to federal subsidies granted to rival container shipper APL for Guam and Saipan trade routes as part of a national security program must be rejected for lack of jurisdiction. Read more »

U.S. Air Force

U.S. Army

U.S. Attorney's Office

U.S. Department of Defense

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of Transportation

U.S. General Services Administration

U.S. House Committee on Energy and Commerce

U.S. House of Representatives

U.S. Immigration and Customs Enforcement

U.S. Navy

U.S. Supreme Court

Wage and Hour Division

Washington State Department of Licensing

World Trade Organization

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## **House OKs Bill Lowering Hundreds Of Tariffs = 9**

The House of Representatives passed a bipartisan bill Tuesday to lower tariffs on about 1,800 imports for products that have little threat to domestic industry, following a push from manufacturers and other businesses. [Read more »](#)

## **Australia Breaks WTO Silence To Fight Canadian Wine Rules**

The Australian government targeted Canada's restrictions on the retail sale of foreign wines with a new World Trade Organization complaint Tuesday, marking the first time the country has triggered a dispute in Geneva since 2003. [Read more »](#)

TAX  
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## **Trump Tax Reform Costs Citigroup \$22B, Co. Says**

Citi said Tuesday that the new tax law could mean future growth for the company but that it's taking \$22 billion in charges in the short term as a result of the reform, while other companies announced smaller but still substantial one-time hits, like GM's \$7 billion write-down. [Read more »](#)

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## **New NJ Gov. Vows To Fight 'All-Out Assault' From Washington = 9**

Vowing to "resist Washington's all-out assault on New Jersey," Gov. Philip Murphy restated his campaign slogan in his inaugural address Tuesday, repeatedly hammering home his intention to make the Garden State "stronger and fairer." [Read more »](#)

## **NY Gov. Proposes Tax Overhaul To Blunt Federal Reform**

New York Gov. Andrew Cuomo proposed on Tuesday a \$168 billion budget for 2019 that would restructure the state tax code, tax health insurers to recoup a "windfall" from the federal tax overhaul and defer tax credits of more than \$2 million as the state faces a projected \$4.4 billion budget deficit. Read more »

## = 9 IMMIGRATION

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### **Trump Admin. Looks To Appeal DACA Ruling To High Court**

The Trump administration on Tuesday said it will appeal a nationwide injunction issued last week that prevents it from rolling back the Deferred Action for Childhood Arrivals program and an order issued on Friday trimming some claims in five related lawsuits challenging the plan. Read more »

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### **Wash. Agency To Stop Giving Info To Immigration Officials**

A Washington state agency on Monday announced that it will stop regularly handing to federal immigration officials the personal information it collects from applicants for driver's licenses and other services, following a public outcry over the practice. Read more »

## TELECOMMUNICATIONS

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### **FCC's Pai Floats \$500M Rural Broadband Funding Plan**

Federal Communications Commission Chairman Ajit Pai announced a proposal Tuesday, with few public details, that would pump more than \$500 million into small rural broadband carriers and local cooperatives in order to bolster rural high-speed broadband



deployment, while also imposing new anti-abuse rules. Read more » = 9

### **Senate Dems Unite On Effort To Reverse Net Neutrality Order**

With one GOP senator on board, Senate Democrats Tuesday voiced unanimous support for legislation to reinstate so-called net neutrality rules barring internet service providers from throttling delivery speeds for web content based on corporate deals. Read more » = 9

### **GSA Dinged For 'Unnecessary' Telecom Contracting Risks**

In its rush to update telecommunications across the federal government, the U.S. General Services Administration has proceeded with nearly \$9 million in agency support services without the requisite agreements between agencies, leaving it vulnerable to "unnecessary" contract oversight disputes, the GSA's internal watchdog said Friday. Read more »

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## **= 9 WHITE COLLAR**

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### **Manafort, Gates Trial Delayed Until Fall At Earliest**

A D.C. federal judge declined Tuesday to set a spring trial date for former Trump campaign chairman Paul Manafort and his business partner Richard W. Gates III after lawyers for the pair said they were overwhelmed by the number of documents produced by prosecutors in the case. Read more »

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### **NY's Silver Loses High Court Attempt, Clearing Retrial Path**

The U.S. Supreme Court on Tuesday rejected an appeal by former New York Assembly Speaker Sheldon Silver, meaning the former lawmaker's spring retrial on corruption

charges will likely proceed as planned. [Read more »](#)

## PEOPLE

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### **Bergen County Prosecutor Confirmed As NJ Attorney General**

The New Jersey Senate on Tuesday confirmed Bergen County Prosecutor Gurbir Grewal, a onetime attorney with Howrey LLP, to serve as the state's next attorney general, with lawmakers hailing him as an exceptional man who will do an amazing job for the Garden State. [Read more »](#)

## EXPERT ANALYSIS

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### **America's Shifting Views On Marijuana Post-Cole Memo**

Although Attorney General Jeff Sessions' rescission of the Cole memo does not change federal law, negative response to the rescission across the cannabis sector and political landscape was strong, swift and unusually bipartisan, which may lead to congressional action in the future, say Jonathan Robbins and Joshua Mandell of Akerman LLP. [Read more »](#)

### **An Important International Provision In The Tax Act**

The Tax Cut and Jobs Act made significant changes to the taxation of foreign income of U.S. persons, including the introduction of a new type of income. Attorneys with K&L Gates LLP look at how the new global intangible low-taxed income could affect investment funds. [Read more »](#)

### **Structuring Unpaid Internships After Wang V. Hearst**

The Second Circuit's recent decision in *Wang v. Hearst Corporation*, coupled with a recent announcement from the U.S. Department of Labor, demonstrates that the flexible, multifactor "primary beneficiary" test for unpaid

interns established in *Glatt v. Fox Searchlight Pictures* is now easier for employers to satisfy, say Michael Pepperman and Ivo Becica of Obermayer Rebmann Maxwell & Hippel LLP. [Read more »](#)

## **A Momentous Year For CFIUS: Part 2**

Regardless of whether new legislation is enacted, dramatic changes to the Committee on Foreign Investment in the United States have arrived. In 2017, a much “stickier” CFIUS process resulted from concerns about China and a broader worry that international trade has not always benefited the United States, say attorneys with Wilson Sonsini Goodrich & Rosati PC. [Read more »](#)

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Opinion

= 9

## **The Latest Bid Protest 'Reform' Should Be Repealed**

= 9-The “loser pays” provision in the 2018 National Defense Authorization Act is a transparent effort to avoid review of government decisions. It violates fundamental principles of administrative law enshrined in the Administrative Procedure Act. Additionally, there is no factual basis for restricting review of agency procurement decisions, say attorneys with Mayer Brown LLP. [Read more »](#)

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Opinion

## **Reflections On President Trump's Jerusalem 'Recognition'**

President Trump's statement in December regarding Jerusalem generated a huge response, most of it strongly negative. But the reaction largely ignored what the president actually said (and did not say), what he actually did (and did not do), and the legal and

historical context surrounding it, says attorney Mark Alcott. [Read more »](#)

## LEGAL INDUSTRY

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Analysis

### **Womble Bond Alliance A Lesson For Firms Unready To Merge**

An eventual merger wasn't what either North Carolina-based Womble Carlyle Sandridge & Rice LLP or British firm Bond Dickinson LLP had in mind when they drew up their partnership agreement in 2016. The firms' choice to enter into a partnership serves as potential model for other firms that are considering strengthening their ties with cross-border allies, but aren't ready to commit to a full combination. [Read more »](#)

### **Ogletree Atty Hits Firm With \$300M Gender Bias Class Action**

An Ogletree Deakins Nash Smoak & Stewart PC attorney has hit the management-side powerhouse with a \$300 million proposed class action in California federal court alleging the firm's male-dominated leadership disproportionately favors men over women in pay, promotions and business development opportunities. [Read more »](#)

### **Recent Law School Grads Wary About Degree's Value**

Recent law school graduates were more likely to spend time after graduation in career limbo and had a much bleaker opinion of the value of their degree than their older counterparts, according to a new report released on Tuesday. [Read more »](#) = 9

Analysis

### **15 Minutes With The Home Depot's General Counsel**

Teresa Wynn Roseborough, executive vice president and general counsel of The Home Depot, speaks to Law360 about what life is

like in the home improvement chain's legal department as the retail industry goes through massive changes, what she wants from her outside counsel, and the hero she really wishes she could have lunch with. Read more »

Series

### **My Supreme Court Debut: Cultivating A Career Issue**

My first U.S. Supreme Court argument came two years after I entered private practice following 10 years as an assistant U.S. attorney. Nevertheless, I found the entire experience simultaneously nerve-wracking and exhilarating, especially given the publicity my case had generated, says Michael Martinez, senior vice president and associate general counsel at Marriott International Inc. Read more »

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Wednesday, January 17, 2018



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## TOP NEWS

### Analysis

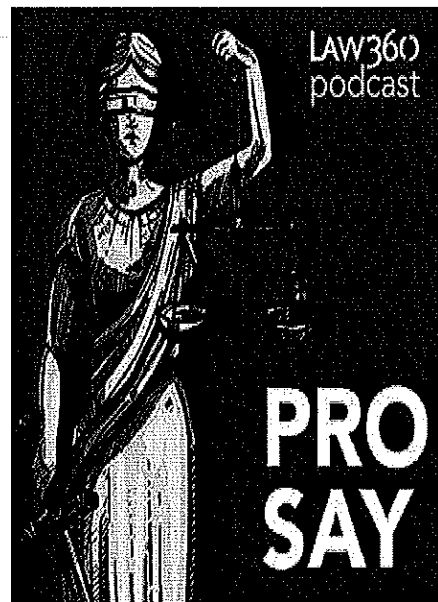
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Altshuler Berzon  
Ballard Spahr  
Cantey Hanger  
Cotchett Pitre  
Covington & Burling  
Crowell & Moring  
Doar Rieck  
Eversheds Sutherland

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Foley & Lardner  
Gibson Dunn  
Greenberg Traurig  
Haynes and Boone  
Hogan Lovells  
Jackson Walker  
Jones Day

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K&L Gates  
Keller and Heckman  
Mayer Brown

= 9

MoloLamken LLP  
Norton Rose Fulbright  
O'Melveny & Myers  
Obermayer Rebmann  
Ogletree Deakins  
Paul Weiss  
Proskauer Rose  
Sanford Heisler  
Squire Patton Boggs  
Stroock & Stroock  
Wilson Sonsini  
Womble Bond Dickinson

### **COMPANIES**

21st Century Fox Inc.  
APL Co. Pte Ltd.  
Altman Weil Inc.

take up South Dakota's appeal challenging barriers to the taxes. = 9 Read more »

## ENERGY & ENVIRONMENTAL

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### **Exxon Insists Climate Change Speech Claims Are Valid**

ExxonMobil told a judge Friday it has made its case that climate change probes launched by the attorneys general of New York and Massachusetts violate its free speech rights, documenting meetings between New York Attorney General Eric Schneiderman and climate activists to bolster its argument. Read more »

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### **Nez Perce Tell 9th Circ. Water Release Order Is Sound**

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The Nez Perce Tribe told the Ninth Circuit on Friday that a lower court's determination that the government must boost water releases and monitoring at a series of dams along the Columbia and Snake rivers to protect salmon and steelhead was correct, arguing the order was necessary and lawful. Read more »

### **Energy Corp. Pays \$1.7M Over Pa. Fracking Site Violations**

= A Pennsylvania environmental regulators announced Tuesday they had collected \$1.7 million in fines from Energy Corp. of America following a series of spills and other violations at natural gas fracking sites across two counties. Read more »

## HEALTH & LIFE SCIENCES

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### **NJ Opioid Laws Tackle Rx Fraud, Nix Antidote Liability**

As part of the crackdown on New Jersey's opioid crisis in the waning days of his administration, outgoing Gov. Chris Christie on Monday approved measures that would

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American Civil Liberties Union

Bayer AG

CTIA

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Cable-Satellite Public Affairs Network

Cato Institute

Citigroup Inc.

Clearfield Inc.

Community Financial Corp.

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Competitive Carriers Association

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Exxon Mobil Corporation

Gallup Inc.

General Electric Company

General Motors

Goldman Sachs Group Inc.

Google Inc.

Grant Thornton LLP

Home Depot, Inc.

Marriott International Inc.

MetLife Inc.

Monsanto Company

National Association of Manufacturers

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National Consumer Law Center

National Right to Work Legal Defense Foundation

National Wildlife Federation

Pacific Legal Foundation

Tesla Motors Inc.

The Boeing Company

= 9

The Seattle Times

Twitter Inc.

Wayfair LLC



strengthen painkiller prescription monitoring rules and grant immunity to first responders who have to administer overdose antidotes. Read more »= A

### **Harmonized E-Cig Tax Rates Require More Info, EU Says**

= A The European Commission announced Friday it would hold off proposing a measure to tax electronic cigarettes uniformly across the European Union, saying more information on the product was needed, including data on possible health effects. Read more »

### **EMPLOYMENT**

= 9

### **NJ Gov. Murphy Signs Equal Pay Order In First Official Act = 9**

In his first official move after being sworn in Tuesday, New Jersey Gov. Phil Murphy made good on a campaign promise to promote equal pay for women by banning public employers from using job applicants' salary histories as a hiring consideration. Read more »

### **PRIVACY & CYBERSECURITY**

= 9

### **Senate Starts Gov't Spying Debate Despite Privacy Objections**

= 9 The Senate started the process to renew a key National Security Agency international spying authority Tuesday, despite objections from a bipartisan group of senators over privacy concerns. Read more »

### **CONSUMER PROTECTION**

= 9

### **Mich. Lobbying Firm Slams AG Subpoena In Tesla Sales Row**

A lobbying firm objected Monday in Michigan federal court to a subpoena from the state

Wells Fargo & Co.

Zeughauser Group LLC

= 9

eBay Inc.

### **GOVERNMENT AGENCIES**

Army Corps of Engineers

Committee on Foreign Investment in the United States

Consumer Financial Protection Bureau

European Commission

European Union

Executive Office of the President

Federal Bureau of Investigation

Federal Communications Commission

= 9

Federal Emergency Management Agency

Government Accountability Office

### **Maritime Administration**

National Aeronautics and Space Administration

National Marine Fisheries Service

National Security Agency

= 9

New Jersey Legislature

New York Attorney General's Office

Nez Perce Tribe

Office of Federal Procurement Policy

Ohio Department of Taxation

Ohio Supreme Court

Securities and Exchange Commission

attorney general in Tesla's suit over a Michigan law passed in 2014 that bans the automaker from selling directly to consumers, saying the subpoena is too broad and would unfairly burden the firm. [Read more »](#)

## = 9 AEROSPACE & DEFENSE

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### **Dem Ire, GOP Dodge On Trump Meeting Roil DACA Hearing**

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Sen. Lindsey Graham, R-S.C., encouraged Congress to get back on track with negotiations over a bipartisan legislative replacement for the Deferred Action for Childhood Arrivals program at a Senate Judiciary Committee hearing Tuesday after President Donald Trump reportedly made derogatory remarks about immigrants from "shithole countries." [Read more »](#)

= A

### **Trump Taps Ex-Military Judge As Air Force Legal Chief**

President Donald Trump on Friday nominated two former generals, one of whom is a former military judge, for roles as a senior manpower official in the U.S. Department of Defense and as the new legal chief for the U.S. Air Force. [Read more »](#)

## INTERNATIONAL TRADE

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= 9

### **DOT Slams Matson's Challenge To Rival= 2s Gov't Subsidies**

The U.S. Department of Transportation told the D.C. Circuit Friday that Matson Navigation Co.'s "untimely" challenge to federal subsidies granted to rival container shipper APL for Guam and Saipan trade routes as part of a national security program must be rejected for lack of jurisdiction. [Read more »](#)

U.S. Air Force

U.S. Army

U.S. Attorney's Office

U.S. Department of Defense

U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of Transportation

U.S. General Services Administration

U.S. House Committee on Energy and Commerce

U.S. House of Representatives

U.S. Immigration and Customs Enforcement

U.S. Navy

U.S. Supreme Court

Wage and Hour Division

Washington State Department of Licensing

World Trade Organization

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## **House OKs Bill Lowering Hundreds Of Tariffs = 9**

The House of Representatives passed a bipartisan bill Tuesday to lower tariffs on about 1,800 imports for products that have little threat to domestic industry, following a push from manufacturers and other businesses. [Read more »](#)

## **Australia Breaks WTO Silence To Fight Canadian Wine Rules**

The Australian government targeted Canada's restrictions on the retail sale of foreign wines with a new World Trade Organization complaint Tuesday, marking the first time the country has triggered a dispute in Geneva since 2003. [Read more »](#)

**TAX**  
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## **Trump Tax Reform Costs Citigroup \$22B, Co. Says**

Citi said Tuesday that the new tax law could mean future growth for the company but that it's taking \$22 billion in charges in the short term as a result of the reform, while other companies announced smaller but still substantial one-time hits, like GM's \$7 billion write-down. [Read more »](#)

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## **New NJ Gov. Vows To Fight 'All-Out Assault' From Washington = 9**

Vowing to "resist Washington's all-out assault on New Jersey," Gov. Philip Murphy restated his campaign slogan in his inaugural address Tuesday, repeatedly hammering home his intention to make the Garden State "stronger and fairer." [Read more »](#)

## **NY Gov. Proposes Tax Overhaul To Blunt Federal Reform**

New York Gov. Andrew Cuomo proposed on Tuesday a \$168 billion budget for 2019 that would restructure the state tax code, tax health insurers to recoup a "windfall" from the federal tax overhaul and defer tax credits of more than \$2 million as the state faces a projected \$4.4 billion budget deficit. Read more »

## = 9 IMMIGRATION

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### **Trump Admin. Looks To Appeal DACA Ruling To High Court**

The Trump administration on Tuesday said it will appeal a nationwide injunction issued last week that prevents it from rolling back the Deferred Action for Childhood Arrivals program and an order issued on Friday trimming some claims in five related lawsuits challenging the plan. Read more »

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### **Wash. Agency To Stop Giving Info To Immigration Officials**

A Washington state agency on Monday announced that it will stop regularly handing to federal immigration officials the personal information it collects from applicants for driver's licenses and other services, following a public outcry over the practice. Read more »

## TELECOMMUNICATIONS

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### **FCC's Pai Floats \$500M Rural Broadband Funding Plan**

Federal Communications Commission Chairman Ajit Pai announced a proposal Tuesday, with few public details, that would pump more than \$500 million into small rural broadband carriers and local cooperatives in order to bolster rural high-speed broadband

deployment, while also imposing new anti-abuse rules. Read more » = 9

### **Senate Dems Unite On Effort To Reverse Net Neutrality Order**

With one GOP senator on board, Senate Democrats Tuesday voiced unanimous support for legislation to reinstate so-called net neutrality rules barring internet service providers from throttling delivery speeds for web content based on corporate deals. Read more » = 9

### **GSA Dinged For 'Unnecessary' Telecom Contracting Risks**

In its rush to update telecommunications across the federal government, the U.S. General Services Administration has proceeded with nearly \$9 million in agency support services without the requisite agreements between agencies, leaving it vulnerable to "unnecessary" contract oversight disputes, the GSA's internal watchdog said Friday. Read more »

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= 9 WHITE COLLAR

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### **Manafort, Gates Trial Delayed Until Fall At Earliest**

A D.C. federal judge declined Tuesday to set a spring trial date for former Trump campaign chairman Paul Manafort and his business partner Richard W. Gates III after lawyers for the pair said they were overwhelmed by the number of documents produced by prosecutors in the case. Read more »

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### **NY's Silver Loses High Court Attempt, Clearing Retrial Path**

The U.S. Supreme Court on Tuesday rejected an appeal by former New York Assembly Speaker Sheldon Silver, meaning the former lawmaker's spring retrial on corruption

charges will likely proceed as planned. [Read more »](#)

## PEOPLE

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### **Bergen County Prosecutor Confirmed As NJ Attorney General**

The New Jersey Senate on Tuesday confirmed Bergen County Prosecutor Gurbir Grewal, a onetime attorney with Howrey LLP, to serve as the state's next attorney general, with lawmakers hailing him as an exceptional man who will do an amazing job for the Garden State. [Read more »](#)

## EXPERT ANALYSIS

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### **America's Shifting Views On Marijuana Post-Cole Memo**

Although Attorney General Jeff Sessions' rescission of the Cole memo does not change federal law, negative response to the rescission across the cannabis sector and political landscape was strong, swift and unusually bipartisan, which may lead to congressional action in the future, say Jonathan Robbins and Joshua Mandell of Akerman LLP. [Read more »](#)

### **An Important International Provision In The Tax Act**

The Tax Cut and Jobs Act made significant changes to the taxation of foreign income of U.S. persons, including the introduction of a new type of income. Attorneys with K&L Gates LLP look at how the new global intangible low-taxed income could affect investment funds. [Read more »](#)

### **Structuring Unpaid Internships After Wang V. Hearst**

The Second Circuit's recent decision in *Wang v. Hearst Corporation*, coupled with a recent announcement from the U.S. Department of Labor, demonstrates that the flexible, multifactor "primary beneficiary" test for unpaid

interns established in *Glatt v. Fox Searchlight Pictures* is now easier for employers to satisfy, say Michael Pepperman and Ivo Becica of Obermayer Rebmann Maxwell & Hippel LLP. [Read more »](#)

## **A Momentous Year For CFIUS: Part 2**

Regardless of whether new legislation is enacted, dramatic changes to the Committee on Foreign Investment in the United States have arrived. In 2017, a much “stickier” CFIUS process resulted from concerns about China and a broader worry that international trade has not always benefited the United States, say attorneys with Wilson Sonsini Goodrich & Rosati PC. [Read more »](#)

= 9

Opinion

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### **The Latest Bid Protest 'Reform' Should Be Repealed**

= 9 The “loser pays” provision in the 2018 National Defense Authorization Act is a transparent effort to avoid review of government decisions. It violates fundamental principles of administrative law enshrined in the Administrative Procedure Act. Additionally, there is no factual basis for restricting review of agency procurement decisions, say attorneys with Mayer Brown LLP. [Read more »](#)

= 9

Opinion

### **Reflections On President Trump's Jerusalem 'Recognition'**

President Trump's statement in December regarding Jerusalem generated a huge response, most of it strongly negative. But the reaction largely ignored what the president actually said (and did not say), what he actually did (and did not do), and the legal and

historical context surrounding it, says attorney Mark Alcott. [Read more »](#)

## LEGAL INDUSTRY

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### Analysis

#### **Womble Bond Alliance A Lesson For Firms Unready To Merge**

An eventual merger wasn't what either North Carolina-based Womble Carlyle Sandridge & Rice LLP or British firm Bond Dickinson LLP had in mind when they drew up their partnership agreement in 2016. The firms' choice to enter into a partnership serves as potential model for other firms that are considering strengthening their ties with cross-border allies, but aren't ready to commit to a full combination. [Read more »](#)

#### **Ogletree Atty Hits Firm With \$300M Gender Bias Class Action**

An Ogletree Deakins Nash Smoak & Stewart PC attorney has hit the management-side powerhouse with a \$300 million proposed class action in California federal court alleging the firm's male-dominated leadership disproportionately favors men over women in pay, promotions and business development opportunities. [Read more »](#)

#### **Recent Law School Grads Wary About Degree's Value**

Recent law school graduates were more likely to spend time after graduation in career limbo and had a much bleaker opinion of the value of their degree than their older counterparts, according to a new report released on Tuesday. [Read more »](#) = 9

### Analysis

#### **15 Minutes With The Home Depot's General Counsel**

Teresa Wynn Roseborough, executive vice president and general counsel of The Home Depot, speaks to Law360 about what life is



like in the home improvement chain's legal department as the retail industry goes through massive changes, what she wants from her outside counsel, and the hero she really wishes she could have lunch with. [Read more »](#)

Series

### **My Supreme Court Debut: Cultivating A Career Issue**

My first U.S. Supreme Court argument came two years after I entered private practice following 10 years as an assistant U.S. attorney. Nevertheless, I found the entire experience simultaneously nerve-wracking and exhilarating, especially given the publicity my case had generated, says Michael Martinez, senior vice president and associate general counsel at Marriott International Inc. [Read more »](#)

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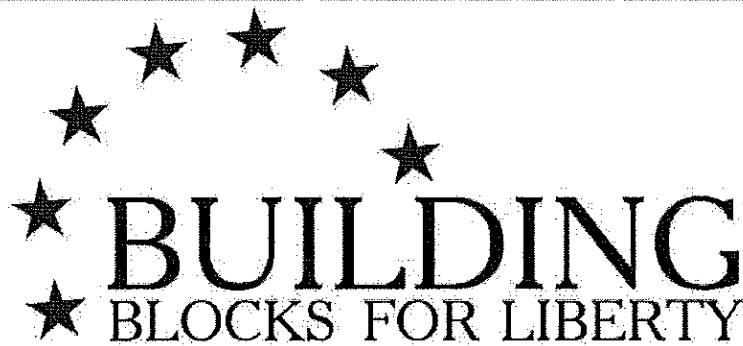
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# CONSTITUTION BOOT CAMP

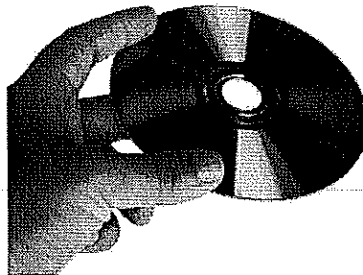
★ ★ ★ NOW ON VIDEO ★ ★ ★

## CONSTITUTION BOOT CAMP IS NOW AVAILABLE ON DVD

After several months of hard work preparing and refining a video version of our training, we proudly announce the release of Constitution Boot Camp on video. Constitutional Boot Camp on video is a fast-paced, entertaining and provocative way to learn about our history and the founding of the most successful form of government ever devised. It's perfect for persons of any age from teens to seniors and is a complete introductory course on the Constitution, its meaning as the Founders intended and how it came to be.

The Constitution and the federal government that it created was clearly a work of divine inspiration, but sadly, corrupt politicians have distorted and demeaned the founders' intent almost from the beginning. We now have a systemically corrupt federal government that the Founders would not recognize as the off-spring of their work and would whole-heartedly disavow. After decades of abuse, government over-reach and usurpation of power by politicians and federal bureaucrats, We The People of this generation are called to restore government operation back to its Constitutional limits.

Constitution Boot Camp on video consists of FOUR DVD's that provide the complete course



in four 1- hour segments playable on any DVD video device.

Here is the synopsis of the subjects covered on each DVD:

**DVD #1:**

- **Introduction**
- **Misconceptions**
- **God Given vs. Constitutional Rights**
- **Declaration of Independence**

**DVD #2:**

- **Oath of Office**
- **Rule of Law**
- **Enumerated Powers of Congress**

**DVD #3:**

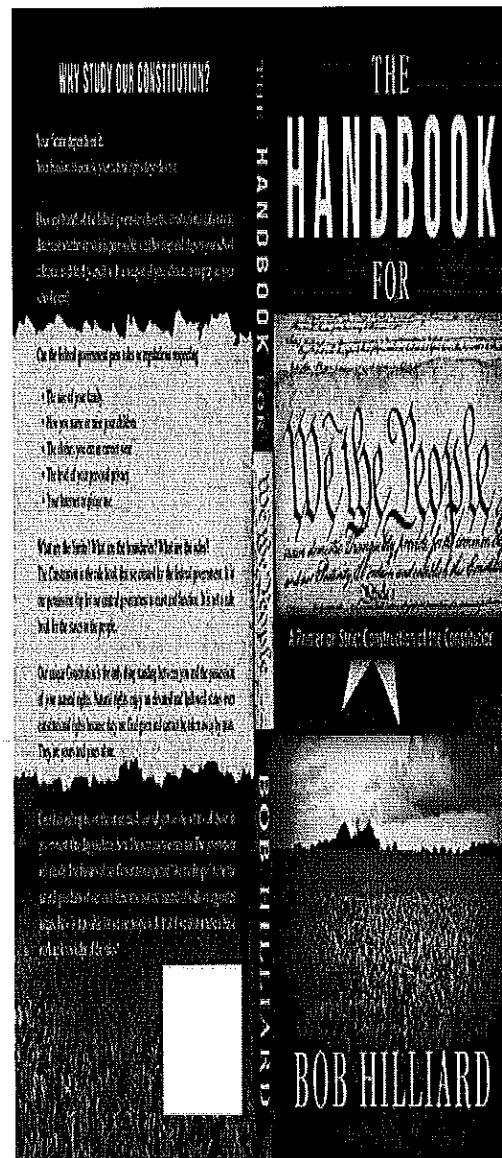
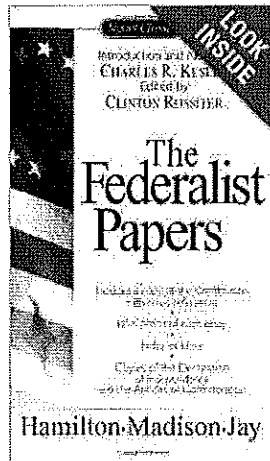
- **Enumerated Powers of the President**
- **Enumerated Powers of the Federal Courts**
- **God, Church and State**

**DVD #4:**

- **Amendments**
- **Remedies, Including Nullification**

Constitution Boot Camp on video is intended to give you the grounding you need to begin a journey of understanding what the Constitution declares and what it means for you, your family, your future and your community. It will give you the tools you need to join the battle to restore the federal government to its rightful position as a government of the People, by the People and for the People.

Along with the DVD's you can obtain the two books that we recommend and use as textbooks at each of our Boot Camp classes, **The Federalist Papers** and the **Handbook For We The People**.



**For a limited time, we are extending a super low price for the Constitution Boot Camp on video**

sets along with our already below-retail prices for the books. If you act now, you can own this 4-DVD set for a donation of just **\$20 plus \$3 S&H.** Order yours NOW! **[Click HERE](#)**

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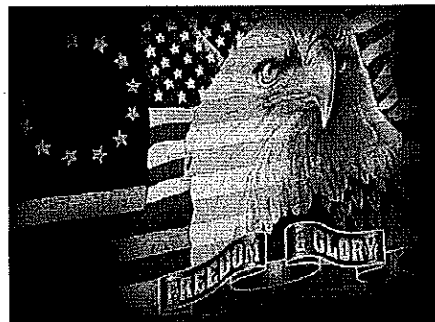
The BBFL Board

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**"Eternal vigilance is the price of Liberty."**

**~Thomas Jefferson**

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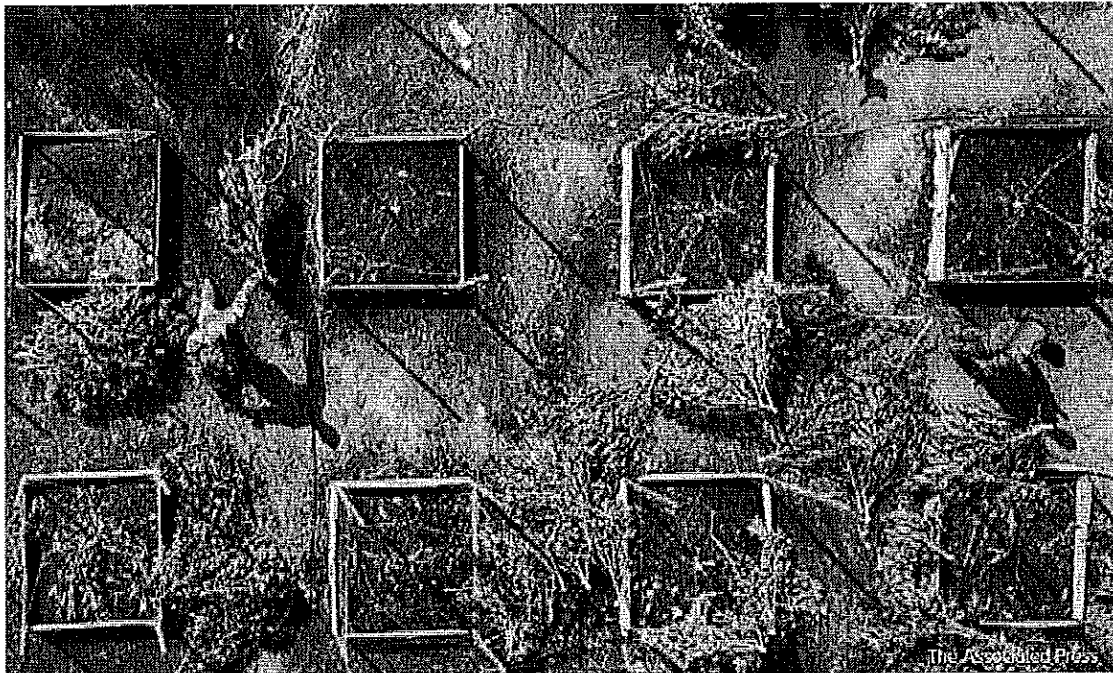
**Subject:** California's Calaveras County Dumps Former Board of Supervisors, Elects New Board, and Bans Marijuana Cultivation; More

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# • The Marijuana Report •

**Helping people make informed decisions about marijuana**

January 24 • 2018



## **Once Pot Friendly**

### **N. California County Bans Marijuana**

Last week, Calaveras County's new Board of Supervisors banned all marijuana cultivation within its boundaries. This rural county the size of Rhode Island has a population of 44,000. Financially challenged, it needed the money the previous Board thought legalizing cultivation would bring.

That Board legalized marijuana cultivation for medical use in 2016 after a devastating fire destroyed more than 500 homes the year before. Owners sold their burned-out property to cash-laden pot growers desperate for farmland in anticipation that Proposition 64 would pass and vastly increase demand for a legal product.

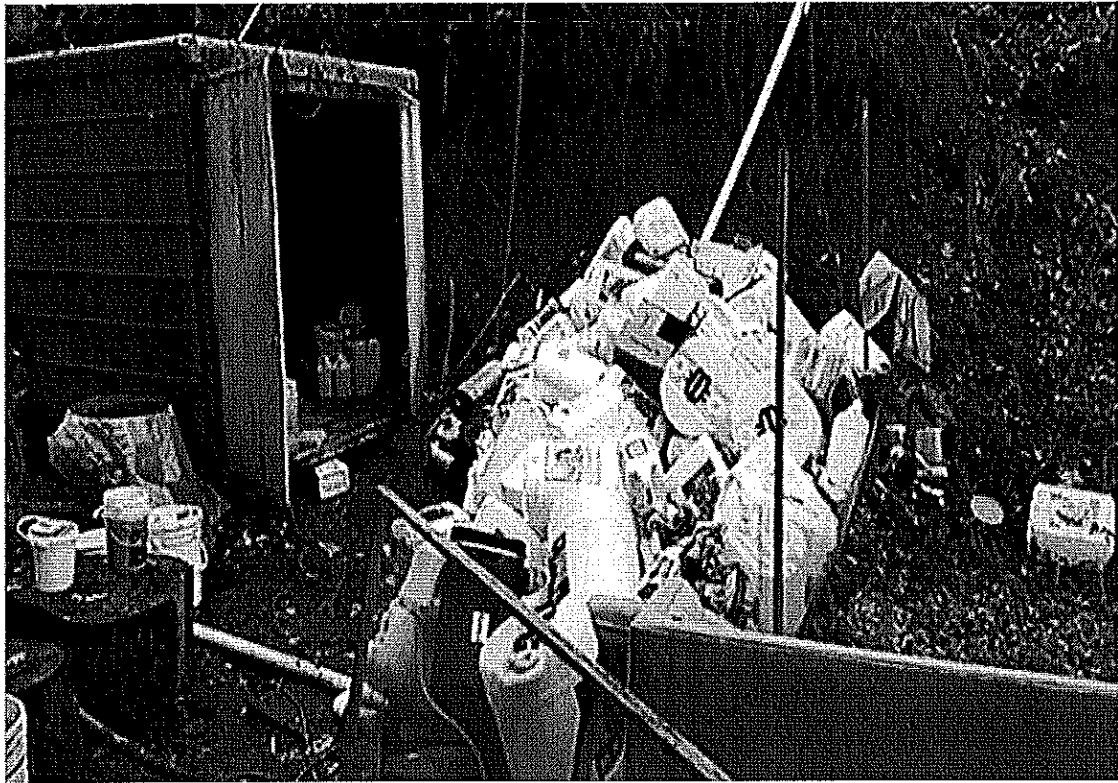
Motivated by being able to tax legal growers, officials expected to receive some 250 growing applications. They got three times that. By last week, about 200 had been approved. About the same number were rejected, and the rest were being processed. Another 1,000 illegal grow sites had flooded the county as well. Last year, authorities cut down some 30,000 plants from just 40 such sites.

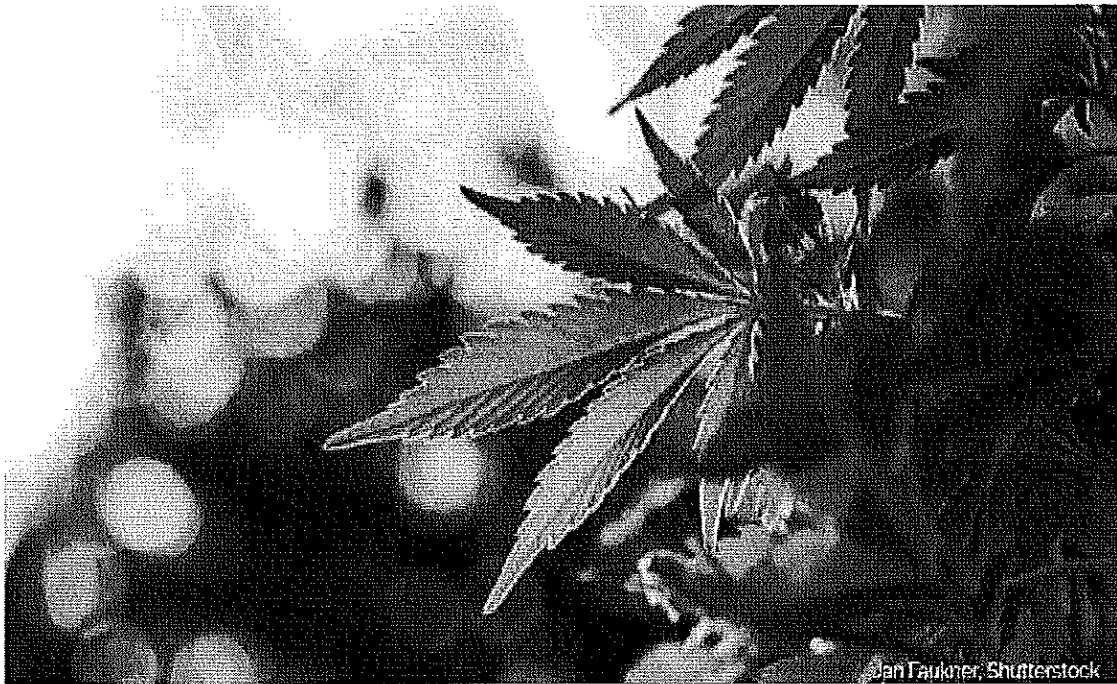
Last October, Supervisor Dennis Mills released a hair-raising report, *Cultivating Disaster*, on the unparalleled damage so many growers have done to the county's environment. The report is an assessment by local, state, and federal agencies, academic institutions, and journalists' accounts of the environmental devastation cultivation has brought to the county. Below is a picture from the report showing abandoned containers of fertilizers and other chemicals used at just one site.

Suddenly the \$10 million in taxes and fees the county took in from licensed growers last year paled in comparison to the estimated \$1.2 billion cost to clean up the environmental mess in Calaveras County.

The backlash was so intense that this month citizens removed four of the five members of the Board of Supervisors who legalized cultivation and replaced them with candidates who had vowed to ban it if elected.

Read ABC News story [here](#). Read/view background report from San Francisco CBS-TV [here](#). Read Committee to Ban Commercial Cultivation in Calaveras County report [here](#). Read *Cultivating Disaster: The Effect of Cannabis Cultivation on the Environment of Calaveras* [here](#).





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## **Cigarettes and Pot Linked to Teen Psychosis**

A new study published in *JAMA Psychiatry* finds that teenagers who use cigarettes and marijuana have elevated risks for experiencing psychotic episodes.

Researchers studied 3,328 teens living in the Bristol area of the UK. The teens answered questions about their cigarette and marijuana use at six different times between the ages of 14 and 19.

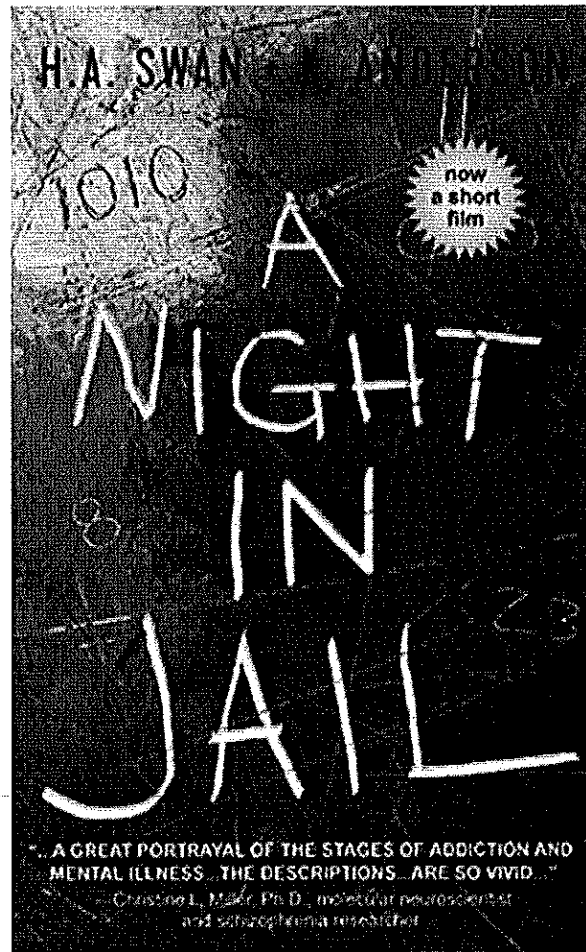
Compared to nonusers, the researchers found that teens who smoked only cigarettes at an early age had a 4.3 percent higher probability of having a psychotic experience by age 18. Teens who used only cannabis at an early age

had a lower probability (3.2 percent) for psychosis but a much higher one (11.9 percent) if they started using the drug later.

Next, researchers looked at other factors in the adolescents' lives such as bullying, alcohol use, social class, family history of schizophrenia, and others. These factors greatly weakened the association between cigarette use and the risk for psychotic episodes, but did not influence the relationship between marijuana and psychosis.

Read CNN account [here](#). Read full text of *JAMA Psychiatry* study [here](#).

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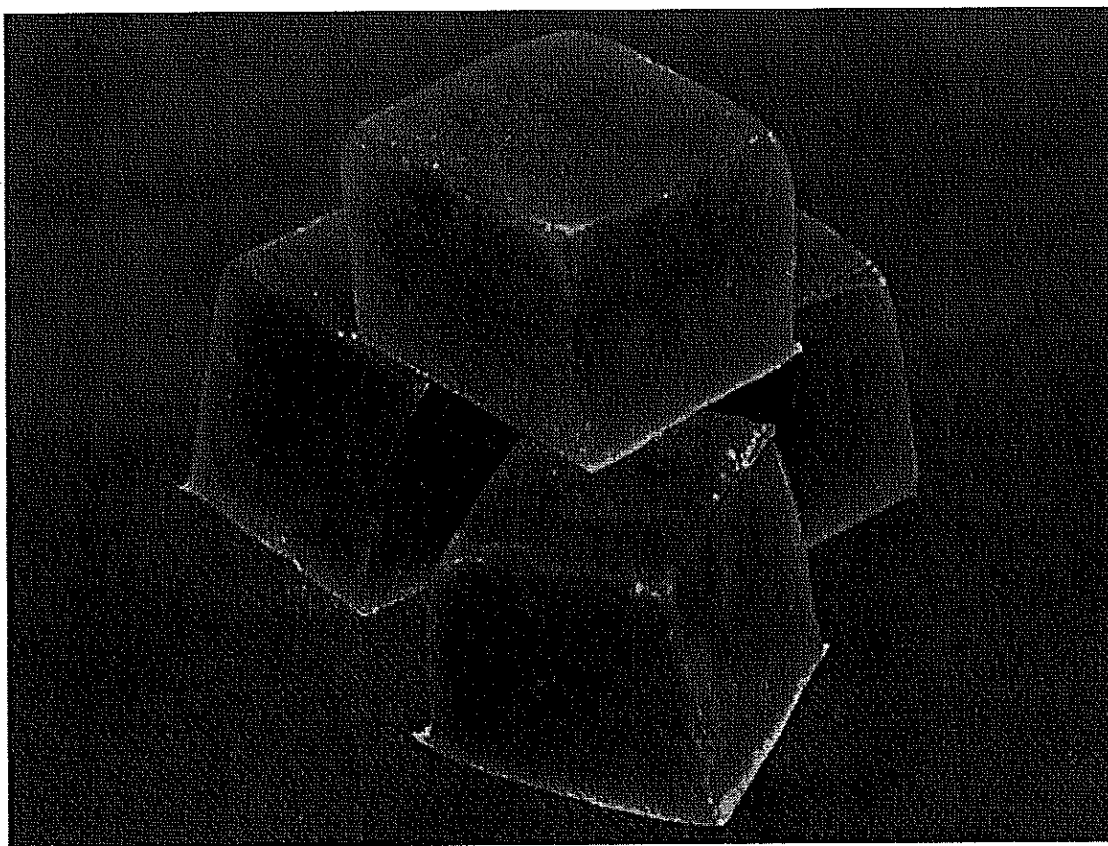
## **Did My Brother's Teen Pot Use Lead to His Schizophrenia?**

This is a heart-breaking account of what families go through when a member becomes addicted and is unable to see that he or she needs help to enter recovery.

It appears on the website of Moms Strong, a group of mothers who have lost children to addiction or have struggled through its escalation to many drugs that almost always began with marijuana.

The author of this account and her brother wrote a book, pictured above, about their experience.

Read this account on the Moms Strong website [here](#).





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## **From Gummy Bears to Open Doors, Inspections Identify Problems at Massachusetts Medical Marijuana Dispensaries**

The Massachusetts Department of Public Health (DPH) has conducted 327 inspections of the state's medical marijuana dispensaries since the first one opened in 2015.

= *AMassLive.com* obtained copies of all the deficiency reports and plans for corrections those inspections generated.

This article details some of the reports and presents all those received in table format. The state has 19 medical marijuana dispensaries which DPH says have been responsive to their findings. "As always, DPH's priority continues to be that patients have safe and reliable access to medical marijuana across the Commonwealth."

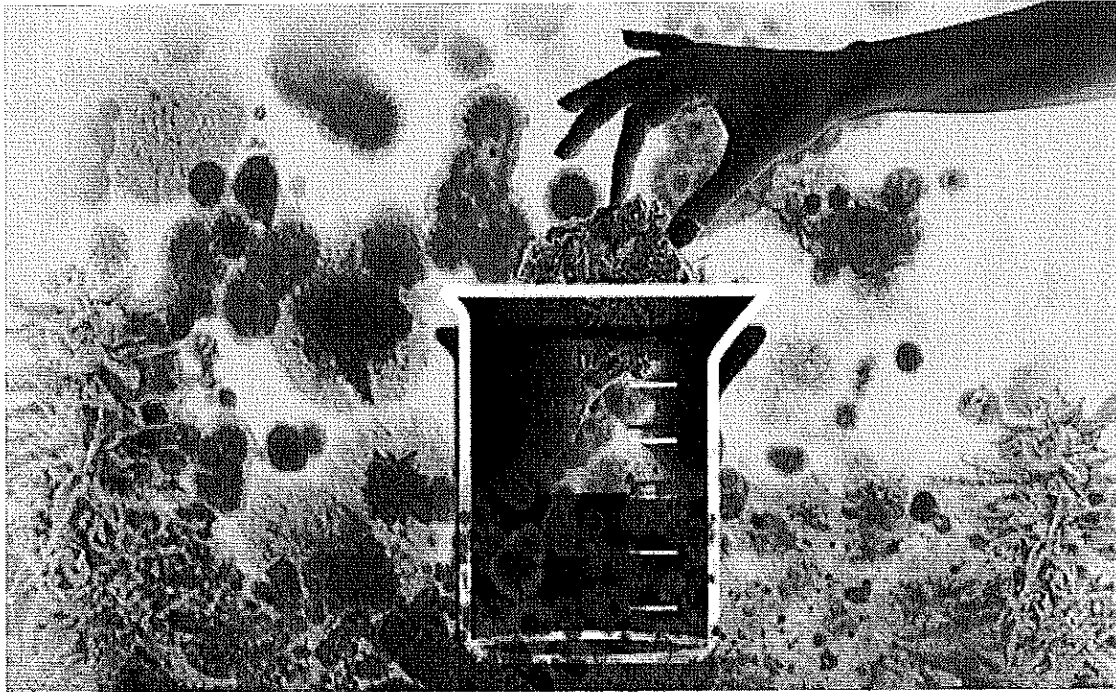
See next story for a different viewpoint.

Read *MassLive.com* story [here](#).

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### **Contaminated Flower May Be Getting Patients and Employees Sick**

A former employee at New England Treatment Access (NETA), a registered medical marijuana dispensary in Massachusetts, quit her job there and filed a complaint with the Occupational Safety and Health Administration (OSHA) claiming she was regularly exposed to mold in marijuana flowers sold there.

She also alleges that the dispensary soaks plant material in hydrogen peroxide to remove the mold the dispensary denies is present in its product. OSHA responded to her claim with a telephone interview, she says. When NETA denied their plants contained mold and presented outside testing evidence they were mold-free, the case was dropped.

No other NETA employees were interviewed, but many say they dealt with mold in plants they trim. One says his supervisor told him to soak moldy plants in hydrogen peroxide on NETA pot to remove the mold. Some employees say they have gone home from work with rashes. There is no ventilation in the workrooms and no one is advised to wear a mask to protect them from breathing in mold.

Last June, the former employee wrote a letter to DPH:

*Two months after beginning to consume NETA products, I began to experience the following symptoms: headaches, sore throat and multiple respiratory illnesses. Once the marijuana concentrates (shatter, wax) were released in 2016, I began consuming them. My symptoms progressed to bloating in my abdomen, nausea, cramps in my GI tract and difficulty sleeping.*

*Neurological symptoms such as neuropathy (numbness in the toes and ball of my foot) and tetany (spasms) in my calves greatly increased in escalating pain intensity and frequency starting November 2016, and I also began to experience fasciculations (twitching) in my calves when seated in the beginning of 2017.*

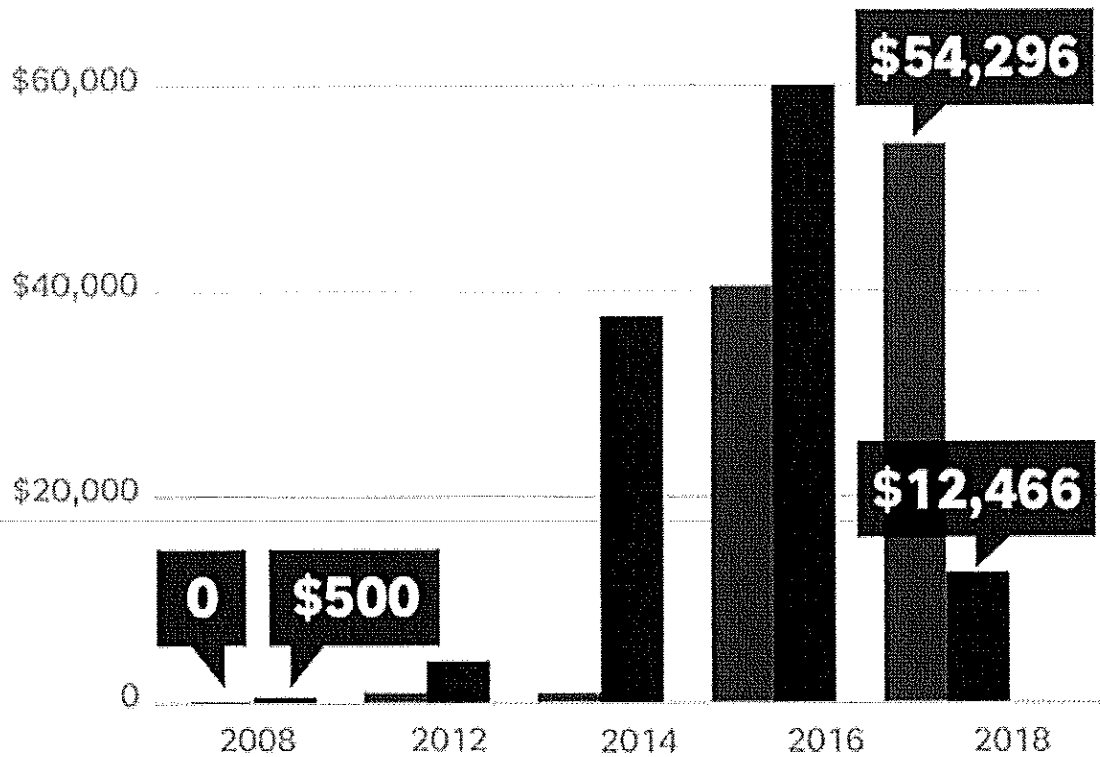
The article does not say whether she has received a reply.

Read *DigBoston.com* story [here](#).

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## Recreational marijuana political contributions at the federal level

● Republicans ● Democrats



SOURCE OpenSecrets.org

Karl Gelles/USA TODAY

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## Marijuana Money

Increasingly Flowing to Republican Lawmakers

*USA Today* reports that marijuana business owners are increasingly contributing to federal lawmakers and political action committees to protect their interests. And their money is increasingly finding its way to Republican lawmakers.

Marijuana lobbying groups like the Marijuana Policy Project and others have long contributed to state lawmakers to legalize the drug, but now the industry they created is chipping in too.

Contributors are required to disclose who they work for, but black-market contributors claim they are self-employed or a consultant to hide the source of the money.

Republican Congressman from California Dana Rohrabacher is a favorite candidate for industry donations. He is the author of an annual budget amendment that forbids the Department of Justice from helping states enforce federal marijuana laws.

Read *USA Today* story [here](#).

*[Executive editor's note: The People of Calaveras County, California, might want to persuade Cong. Rohrabacher's constituents to give him the same treatment they gave their former Board of Supervisors last week.]*

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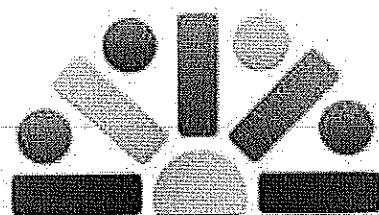


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Visit National Families in Action's website, The Marijuana Report.Org, to learn more about the marijuana story unfolding across the nation.

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National Families in Action

Our mission is to protect children from addictive drugs by shining light on the science that underlies their effects.

Addictive drugs harm children, families, and communities. Legalizing them creates commercial industries that make drugs more available, increase use, and expand harms.

Science shows that addiction begins in childhood. It is a pediatric disease that is preventable.

We work to prevent the emergence of commercial addictive drug industries that will target children.

We support FDA approved medicines.

We support the assessment, treatment, and/or social and educational services for users and low-level dealers as alternatives to incarceration.



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#### **About SAM (Smart Approaches to Marijuana)**

SAM is a nonpartisan alliance of lawmakers, scientists and other concerned citizens who want to move beyond simplistic discussions of "incarceration versus legalization" when discussing marijuana use and instead focus on practical changes in marijuana policy that neither demonizes users nor legalizes the drug. SAM supports a treatment, health-first marijuana policy. SAM has four main goals:

- To inform public policy with the science of today's marijuana.
- To reduce the unintended consequences of current marijuana policies, such as lifelong stigma due to arrest.
- To prevent the establishment of "Big Marijuana" - and a 21st-Century tobacco industry that would market marijuana to children.
- To promote research of marijuana's medical properties and produce, non-smoked, non-psychoactive pharmacy-attainable medications.

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National Families



The MJ Report



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**From:** Caitlin Johnson, Policy Matters Ohio

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**PRESS RELEASE**

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## Advocates call for policies that support Ohio's workers

**Contact:** [Hannah Halbert](#)  
**614.221.4505**

Later this month, the U.S. Supreme Court will hear *Janus v. AFSCME*, which threatens the ability of unions to collect fair share fees. Ohio legislators also recently unveiled a slate of proposals designed to give more power to corporations at the expense of workers, including so-called "right to work" legislation, which could greatly reduce the power of Ohio's unions. With working people facing threats at state and national levels, Policy Matters Ohio joined ProgressOhio to unveil a [new policy brief, "A way forward: 10 ways to support Ohio's working people."](#)

"So-called 'Right-to-Work' legislation and related judicial attacks like the pending Janus case don't address these real struggles of working people," Policy Matters Researcher Hannah Halbert said. "Unionized workers in Ohio make \$4 an hour more than their non-union counterparts, \$8,000 more a year for full-time work. Union workers are more likely to have pensions and paid sick days, and less likely to be treated unfairly at work or experience harassment or workplace injuries."

Cincinnati fire fighter and Ohio Association of Professional Fire Fighters Communications Director Doug Stern said so-called right-to-work laws not only chip away at the fabric of unions, but can make communities less safe.

"Attacks like these on working people and unions are attacks on fire fighters, police officers and all first responders, he said. "Our fire fighters and police officers deserve the right to collectively bargain so that we can effectively advocate for the training and equipment that keep our communities safe."

For decades, state and federal policymakers have chipped away at worker protections. As a result, Ohio's job growth has been weak and the state's wealthiest 1 percent earned more than 19 times the average of the bottom 99 percent of earners combined.

"The decline of unions has significantly contributed to the decline of the middle class as wages have remained stagnant and workers are getting a smaller and smaller share of income," said Wright State University Economics Professor Rudy Fichtenbaum. "Attacks on unions are not about increasing job growth; they're about corporations and the political elite gaining power over workers."

Policy Matters calls for the policymakers to protect workers' right to organize, as well as strengthen the public sector, raise the minimum wage, restore the 40-hour work week, fix Ohio's broken unemployment compensation system and more.

**[See the press conference on Facebook Live.](#)**

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DLA Piper

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Dentons

Earthjustice

Eversheds Sutherland

Gibson Dunn

Holland & Knight

Kellogg Hansen

Lankler Siffert

Levy Vinick

Maclay Murray

Mayer Brown

Michael Best

Norton Rose Fulbright

O'Connell & Aronowitz

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Orrick Herrington

Perkins Coie

Powers Pyles

Rawle & Henderson

Saul Ewing

Steptoe & Johnson LLP

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Walden Macht

Whiteman Osterman

Wigdor LLP

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Wilson Sonsini

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Alibaba Group Holdings Ltd.

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American Bar Association

American Express Company

American Federation of State, County and Municipal Employees

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American Petroleum Institute Inc.

Apple Inc.

Bridge Capital Holdings

Center for American Progress

Competitive Power Ventures Holdings LLC

Consumer Watchdog

Council on Foreign Relations

Electronic Privacy Information Center

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Facebook

Global Eagle Entertainment Inc.

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Home Box Office Inc.

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Hulu LLC

Instagram Inc.

Kaspersky Lab Ltd.

Lattice Semiconductor Corporation

Major League Baseball Inc.

Make the Road New York

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## INTERNATIONAL TRADE

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U.S. House Committee on Energy and Commerce

U.S. House of Representatives

U.S. Navy

U.S. Senate

U.S. Supreme Court

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World Trade Organization

## **Lawmakers Caution Trump On Steel Trade Restrictions**

President Donald Trump on Tuesday told members of Congress he is still considering whether to impose restrictions on steel and aluminum imports that may be threatening U.S. national security, but lawmakers repeatedly warned him against sweeping action that may anger crucial trading partners. [Read more »](#)

## **Facing Rapid Change, WTO Boss Stumps For Open Trade**

World Trade Organization Director-General Roberto Azevedo on Monday pushed his members to retain their commitment to a fully open trading system even as they face "rapid economic changes" that could tempt them into closing off their markets to global competition. [Read more »](#)

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TAX

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## **Lawmakers Continue To Make Corrections To Fed. Tax Law**

The federal budget agreement signed by President Donald Trump made tweaks to provisions in the federal tax law passed by the U.S. Congress in December, and more corrections can be expected in a process that could take years. [Read more »](#) = 9

## **IRS May Deny Accounting Period Shifts Over Transition Tax**

The Internal Revenue Service on Tuesday announced that it would prevent companies from changing the accounting periods of foreign affiliates if doing so could allow them to skirt a tax on the overseas earnings they bring back to the U.S. under the recently enacted tax overhaul. [Read more](#) = 2

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## **Treasury Proposes Scrapping Nearly 300 Tax Rules**

The U.S. Department of the Treasury intends to scrap nearly 300 tax rules in keeping with President Donald Trump's executive orders to cut back on regulatory burdens, according to proposed regulations released Tuesday. [Read more »](#)

## IMMIGRATION

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### **Senate's Immigration Debate Falling Apart**

The Senate's planned freewheeling immigration debate threatened to spin out of control Tuesday, as the body did not vote on a single proposal while Democrats delayed offering their own plans and Republican leaders threatened to shut down the debate at the end of the week. = 9 [Read more »](#)

Feature

### **= 9 A Field Guide To The Senate's Immigration Proposals**

As the Senate continues its freewheeling immigration debate, members of both parties are competing to reach 60 votes on one of numerous proposals balancing relief for Deferred Action for Childhood Arrivals beneficiaries with border security. Here= 2s our field guide to the various immigration plans currently floating around Congress. [Read more »](#)

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### **Trump's Immigration Plan Hits Africa, Asia, Latin America**

The Trump administration's proposals for redrawing the nation's immigration system through reductions in family reunification visas and the elimination of the diversity visa lottery would negatively impact the entry of nationals from Africa, Asia and Latin America into the U.S., according to an analysis released on Monday by the Center for American Progress. = 9 [Read more »](#)= A

## TELECOMMUNICATIONS

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### **FCC's O'Rielly Tees Up Kid-Vid Rule Review**

Federal Communications Commission member Michael O'Rielly said Tuesday that he will be leading his sought review of the FCC's "kid vid" programming requirements that tie minimum children's-programming mandates into broadcast license renewals. [Read more »](#)

### **Montana Robocall Ban Survives 1st Amendment Challenge**

A Montana federal judge denied a political consulting firm's constitutional challenge to the state's anti-campaign robocall law, saying although the legislation is a content-based regulation of speech, it serves a compelling governmental interest and is sufficiently narrowly tailored to survive strict scrutiny. [Read more »](#)

## WHITE COLLAR

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### **Lobbyist Forced To Explain His Arrest To Graft Trial Jury**

Todd Howe, the lobbyist-turned-cooperator testifying at the bribery trial of a former aide to New York Gov. Andrew Cuomo, was quizzed Tuesday over his arrest last week on a bail violation, telling jurors it stemmed from what he called a misunderstanding about his testimony. [Read more »](#)

## EXPERT ANALYSIS

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### **CFIUS Scrutiny Of Foreign Acquisitions Intensifies = 9**

The environment for foreign investment in the United States is shifting. Most recently, the Chinese acquisition of MoneyGram was derailed after the Committee on Foreign Investment in the United States rejected

proposals offered to try to mitigate national security concerns. At the same time, U.S. legislation to enhance CFIUS controls seems to be gaining momentum, say attorneys with Arnold & Porter. [Read more »](#)

## **An Overview Of The New International Tax Provisions**



The new tax law made significant international tax changes that affect both U.S. and foreign-parented multinational corporations. In this video, Carol Tello and Lauren Stewart of Eversheds Sutherland LLP provide an overview of the law and its impact, including the reduced corporate tax rate, the shift to a hybrid territorial/worldwide system and the base erosion provisions. [Read more »](#)

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## **LEGAL INDUSTRY**

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Analysis

### **Recent Leaks Put Legal Industry On '#MeToo' Notice= A**

= 9 Two international law firms announced last week that they were parting ways with U.K. partners after allegations from more than a year ago were suddenly brought to light, in what could be the start of a longer public re-evaluation of how the legal industry addresses — or fails to address — claims of sexual misconduct within its ranks. [Read more »](#)

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### **= 9 Make New E-Filed Suits Public Now, Cook County Clerk Told**

An Illinois federal judge won't wait any longer for the Cook County Circuit Court clerk to implement a system to make new electronically filed lawsuits immediately available to the public and media outlets, the judge said Tuesday, rejecting the clerk's request for a

stay while she appeals his order. Read more = 2

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### **Rawle & Henderson Fired Worker Claiming Harassment: Suit**

A former legal secretary for Rawle & Henderson LLP launched a lawsuit in New York state court Monday, alleging that members of the law firm fabricated workplace performance problems to push her out after she complained of a partner's sexual harassment. Read more »

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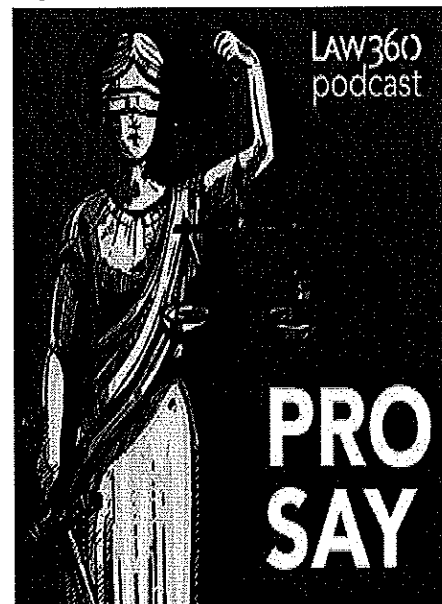
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World Trade Organization

## **Lawmakers Caution Trump On Steel Trade Restrictions**

President Donald Trump on Tuesday told members of Congress he is still considering whether to impose restrictions on steel and aluminum imports that may be threatening U.S. national security, but lawmakers repeatedly warned him against sweeping action that may anger crucial trading partners. [Read more »](#)

## **Facing Rapid Change, WTO Boss Stumps For Open Trade**

World Trade Organization Director-General Roberto Azevedo on Monday pushed his members to retain their commitment to a fully open trading system even as they face "rapid economic changes" that could tempt them into closing off their markets to global competition. [Read more »](#)

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**TAX**

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## **Lawmakers Continue To Make Corrections To Fed. Tax Law**

The federal budget agreement signed by President Donald Trump made tweaks to provisions in the federal tax law passed by the U.S. Congress in December, and more corrections can be expected in a process that could take years. [Read more »](#) = 9

## **IRS May Deny Accounting Period Shifts Over Transition Tax**

The Internal Revenue Service on Tuesday announced that it would prevent companies from changing the accounting periods of foreign affiliates if doing so could allow them to skirt a tax on the overseas earnings they bring back to the U.S. under the recently enacted tax overhaul. [Read more](#) = 2

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## **Treasury Proposes Scrapping Nearly 300 Tax Rules**

The U.S. Department of the Treasury intends to scrap nearly 300 tax rules in keeping with President Donald Trump's executive orders to cut back on regulatory burdens, according to proposed regulations released Tuesday. [Read more »](#)

## IMMIGRATION

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### **Senate's Immigration Debate Falling Apart**

The Senate's planned freewheeling immigration debate threatened to spin out of control Tuesday, as the body did not vote on a single proposal while Democrats delayed offering their own plans and Republican leaders threatened to shut down the debate at the end of the week. = 9 [Read more »](#)

Feature

### **= 9 A Field Guide To The Senate's Immigration Proposals**

As the Senate continues its freewheeling immigration debate, members of both parties are competing to reach 60 votes on one of numerous proposals balancing relief for Deferred Action for Childhood Arrivals beneficiaries with border security. Here= 2s our field guide to the various immigration plans currently floating around Congress. [Read more »](#)

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### **Trump's Immigration Plan Hits Africa, Asia, Latin America**

The Trump administration's proposals for redrawing the nation's immigration system through reductions in family reunification visas and the elimination of the diversity visa lottery would negatively impact the entry of nationals from Africa, Asia and Latin America into the U.S., according to an analysis released on Monday by the Center for American Progress. = 9 [Read more »](#) = A

## TELECOMMUNICATIONS

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### **FCC's O'Rielly Tees Up Kid-Vid Rule Review**

Federal Communications Commission member Michael O'Rielly said Tuesday that he will be leading his sought review of the FCC's "kid vid" programming requirements that tie minimum children's-programming mandates into broadcast license renewals. [Read more »](#)

### **Montana Robocall Ban Survives 1st Amendment Challenge**

A Montana federal judge denied a political consulting firm's constitutional challenge to the state's anti-campaign robocall law, saying although the legislation is a content-based regulation of speech, it serves a compelling governmental interest and is sufficiently narrowly tailored to survive strict scrutiny. [Read more »](#)

## WHITE COLLAR

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### **Lobbyist Forced To Explain His Arrest To Graft Trial Jury**

Todd Howe, the lobbyist-turned-cooperator testifying at the bribery trial of a former aide to New York Gov. Andrew Cuomo, was quizzed Tuesday over his arrest last week on a bail violation, telling jurors it stemmed from what he called a misunderstanding about his testimony. [Read more »](#)

## EXPERT ANALYSIS

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### **CFIUS Scrutiny Of Foreign Acquisitions Intensifies = 9**

The environment for foreign investment in the United States is shifting. Most recently, the Chinese acquisition of MoneyGram was derailed after the Committee on Foreign Investment in the United States rejected

proposals offered to try to mitigate national security concerns. At the same time, U.S. legislation to enhance CFIUS controls seems to be gaining momentum, say attorneys with Arnold & Porter. [Read more »](#)

## **An Overview Of The New International Tax Provisions**



The new tax law made significant international tax changes that affect both U.S. and foreign-parented multinational corporations. In this video, Carol Tello and Lauren Stewart of Eversheds Sutherland LLP provide an overview of the law and its impact, including the reduced corporate tax rate, the shift to a hybrid territorial/worldwide system and the base erosion provisions. [Read more »](#)

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## **LEGAL INDUSTRY**

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Analysis

## **Recent Leaks Put Legal Industry On '#MeToo' Notice** = A

= 9 Two international law firms announced last week that they were parting ways with U.K. partners after allegations from more than a year ago were suddenly brought to light, in what could be the start of a longer public re-evaluation of how the legal industry addresses — or fails to address — claims of sexual misconduct within its ranks. [Read more »](#)

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## **= 9 Make New E-Filed Suits Public Now, Cook County Clerk Told**

An Illinois federal judge won't wait any longer for the Cook County Circuit Court clerk to implement a system to make new electronically filed lawsuits immediately available to the public and media outlets, the judge said Tuesday, rejecting the clerk's request for a



stay while she appeals his order. Read more = 2

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### **Rawle & Henderson Fired Worker Claiming Harassment: Suit**

A former legal secretary for Rawle & Henderson LLP launched a lawsuit in New York state court Monday, alleging that members of the law firm fabricated workplace performance problems to push her out after she complained of a partner's sexual harassment. Read more »

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**From:** The Aerospace States Association Briefing  
**Sent:** Tuesday, February 20, 2018 8:00 AM  
**To:** Rep30  
**Subject:** Feb. 20: NASA Officials To Highlight Alabama's Role In Space Program During ASA's Alabama Aerospace Week

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## The Aerospace States Association BRIEFING

in affiliation with



Good morning Bill Seitz

February 20, 2018

### ASA IN THE NEWS

#### **NASA Officials To Highlight Alabama's Role In Space Program During ASA's Alabama Aerospace Week.**

The Florence (AL) Times Daily (2/16, Corey) reported that NASA officials from Huntsville's NASA officials from Huntsville's Marshall Space Flight Center will "travel to Montgomery on Thursday to spread the word about the importance of the state's role in leading America back to the moon and on to Mars during the Aerospace States Association's Alabama Aerospace Week." Marshall leaders will meet with "elected officials and NASA will be honored by the Legislature with a resolution and proclamation from Gov. Kay Ivey recognizing the agency's achievements."

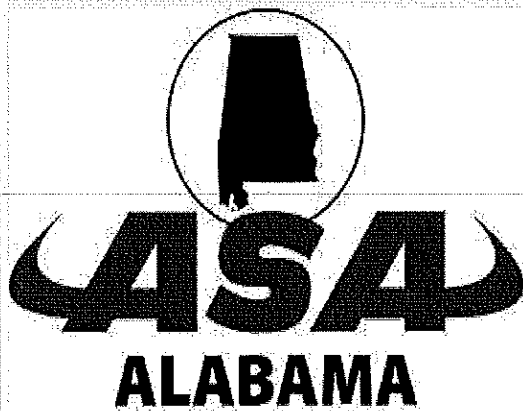
PRNewswire (2/16) reported the event will take place Thursday, February 22. Marshall Center Director Todd May and "NASA astronaut Tracy Dyson speak at 1 p.m. CST, at Alabama State University's Ralph D. Abernathy College of Education's auditorium, which will be hosted by ASU's President, Dr. Quinton T. Ross, Jr."

### POLICY NEWS - STATE

## Port Authority Authorizes Name Change, Expansion For New York's Stewart International Airport.

USA Today (2/19, Wilson) reports that Stewart International Airport in New York may soon undergo a name change and \$30 million expansion. The Port Authority of New York and New Jersey authorized the changes on Thursday. The proposed project will "expand the terminal by 19,850 square feet, adding a customs inspection area to accommodate domestic and international passengers simultaneously at the Hudson Valley airport." "Currently, the airport lacks a "dedicated area to process international travelers." The airport would be renamed New York International at Stewart Field, with completion of the project anticipated for 2020. Global Gateway Alliance Chairman Joseph Sitt praised the proposal for its potential to alleviate congestion at New York's airports, which he said will not "change without new capacity," which he said will come through "proposals like the Stewart International Airport expansion along with better transportation, a real and sustained commitment to marketing, and, most of all, more flights and services to attract passengers."

### FROM ASA



#### Alabama Aerospace Week 2018

**Tuesday, February 20, 2018**

6:00pm - 7:30pm Joint Reception with the Huntsville/Madison County Chamber of Commerce- Renaissance Hotel, Montgomery Performing Arts Center Atrium

**Wednesday, February 21, 2018**

6:00pm - 8:00pm NASA/Legislative Reception- Irish Bred Pub

**Thursday (NASA DAY), February 22, 2018**

8:30am - 2:00pm Exhibits on Washington Street

Connect with ASA:



## POLICY NEWS - FEDERAL

### Justice Department Charges Three Men With Providing UAV Parts To Hezbollah.

Reuters (2/16) reported that the Justice Department announced Friday that authorities "have charged three men with illegally exporting drone parts and other material from the United States to Lebanon's militant Hezbollah group." Two of the suspects, Usama Darwich Hamade and Issam Darwich Hamade, "were in custody in South Africa," while the third, Samir Ahmed Berro, "remained at large."

## **ALPA, NATCA, A4A Urge Congress To Tighten UAV Regulations.**

Air Transport World (2/17, Carey) reported that the Air Line Pilots Association, the National Air Traffic Controllers Association, and the trade group Airlines for America have all "asked Congress to amend Section 336 of the FAA Modernization and Reform Act of 2012." In a letter from February 13 signed by leaders from all three groups, the stakeholders say Section 336, which blocks FAA from passing regulations on model aircraft flown recreationally, "has limited the FAA's ability to fully regulate model and hobby UAS to the point that safety of the national airspace is at risk." The letter cited a video "that shows a Frontier Airlines Airbus A320 passing underneath an apparent drone while on approach to Las Vegas McCarran International Airport" in clear violation of FAA guidelines for UAV operators.

## **AVIATION**

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### **Helicopter Crash May Be First Aircraft Collision Linked To UAV.**

Bloomberg News (2/16, Levin) reported that the crash landing of a helicopter in South Carolina last week "may have been triggered by a civilian drone, which would make it the first drone-related crash of an aircraft in the US." The incident occurred last Wednesday and involved a student pilot and instructor, "both of whom told investigators that a small drone appeared directly in front of them, according to a Charleston Police Department report." The instructor took over the controls and attempted to avoid a collision, during which the tail of the helicopter "hit a tree or brush, triggering a crash landing." The FAA has not confirmed the "possible role of the drone," but the National Transportation Safety Board (NTSB) is "aware of initial reports that a drone may have been involved in the crash and is gathering information on the case, spokesman Chris O'Neil said in an email Thursday." = A

### **Israel Successfully Tests Arrow-3 Missile Defense System.**

The AP (2/19) reports that Israel has announced it has successfully tested an advanced missile defense system with the capability of defending the country against ballistic missile threats. The Israeli Defense Ministry called Monday's test of the Arrow-3 interceptor a "major milestone" in Israel's development of missile defense systems to guard "against current and future threats in the region." Two previous tests of the system were recently delayed. Arrow-3, developed by The Boeing Company and Israel Aerospace Industries (IAI), is part of a "multi-layered system" Israel is developing to "defend against both short- and mid-range rockets fired from the Gaza Strip and Lebanon, as well as Iran's long-range missiles." Other components in the system include the Iron Dome, David's Sling, and Arrow-2 systems.

### **FAA Awards Boeing 787-10 Production Certificate.**

FlightGlobal (2/16) reported that the FAA had awarded The Boeing Company a "production certificate for the 787-10 on 15 February, the manufacturer says." The approval means that Boeing is officially authorized to produce the new 330-seat airliner. Boeing plans to deliver the initial 787-10 to Singapore Airlines this March.

### **Gulfstream To Build Service Center At Appleton Airport.**

The AP (2/16) reported that Gulfstream Aerospace will expand its operations at Appleton International Airport, building a new \$40 million service center that is expected to add 200 jobs. WLUK-TV reported that "groundbreaking is scheduled for later this year, with the building opening in mid-2019."

Reuters (2/16) reported that the new facility is expected to begin operations in the second quarter of 2019.

### **FAA Approves Boeing 737 MAX-9 For Commercial Service.**

Reuters (2/16, Banerjee) reported that The Boeing Company said on Friday the US Federal Aviation Administration had officially certified its 737 MAX-9 aircraft for commercial service." The approval "affirms the airplane's handling, systems and overall performance all comply with required aviation regulations, Boeing said." Boeing is preparing the aircraft for its initial delivery to Lion Air Group.

### **GA-ASI Submits Stingray UAV For US Navy MQ-25 Contest.**

The Aviation International News (2/16, Pocock) reported that General Atomics Aeronautical Systems Inc. (GA-ASI) revealed in a "surprise announcement" that it had submitted a "new design named Stingray for the US Navy's MQ-25 unmanned tanker requirement." The company had previously indicated it would submit the Sea Avenger variant of its Predator C UAV for the bid. GA-ASI also released an "extensive list of partners in its bid, including Boeing, even though that company has made its own alternative bid for this requirement." Boeing's Autonomous Systems Division, which includes Insitu, is "playing an unspecified role in the GA-ASI bid." In a statement, the company claimed that its offering "exceeds all of the Navy's requirements, including carrier suitability...at the lowest technical and schedule risk."

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### **Airbus To Reduce A380 Production To "Digestible" Six Aircraft Per Year.**

FlightGlobal (2/16, Gubisch) reported that Airbus plans to reduce production of its A380 jumbo jet to six aircraft a year by 2020 in a "bid to sustain its flagship programme while keeping losses from the aircraft's production" at a "digestible" level. Airbus plans to deliver 12 A380s this year, and will reduce production to eight aircraft in 2019. Airbus CEO Tom Enders said that the rate of six aircraft represents the "minimum volume at which production could be maintained with a "reasonable level of efficiency." Enders added, "It doesn't mean we are still making money on that, but the losses that such a low rate would produce are certainly digestible." However, Enders said that this level of production represents "rock bottom," and is "clearly not where we want to leave it," and said that he anticipates additional A380 orders from existing or new operators.

### **Airbus: Initial Details Of Franco-German Fighter To Emerge Later In 2018.**

Reuters (2/16, Siebold) reported that the initial details of a "planned Franco-German program to develop a next-generation fighter jet should emerge in the second half of 2018, the head of Airbus's defense unit told Reuters on Friday." Dirk Hoke "said France and Germany would work out in coming months how to proceed with the program, including whether to bring in an additional partner country, such as Britain."

### **Air France Reports Strong Earnings In Fourth Quarter.**

The Financial Times (2/16, White, Subscription Publication) reported that Air France-KLM reported strong passenger numbers and load factor in its fourth quarter earnings, but reported losses for the year due to a pension deal.

## SPACE

### **Pence To Tour Kennedy Space Center, Lead National Space Council Meeting In Florida Visit.**

The Tampa Bay (FL) Times (2/19, Leary) reports that Vice President Pence will visit Florida on Tuesday and Wednesday to tour the Cape Canaveral Air Force Station launch facilities, participate in a commercial spaceflight federal reception, and head the second meeting of the National Space Council at NASA's Kennedy Space Center (KSC). The Wednesday meeting 30 titled "Moon, Mars, and Worlds Beyond: Winning the Next Frontier" – "will include testimonials from leaders in the civil, commercial, and national security sectors about the importance of the United States' space enterprise," according to a White House release. Pence then will tour KSC before departing.

The Washington Examiner (2/19, Giaritelli) reports that the names of the companies participating in the meeting = 2have not been released and the vice president's office did not respond to a request for comment."

**Industry Battles Over Hosting Reception For National Space Council.** The Washington Post (2/16, Davenport) reported that after it became known that the Commercial Spaceflight Federation – of which SpaceX is a member – would host a reception for the second meeting of the National Space Council, Lockheed Martin and The Boeing Company "complained to the White House, which agreed that they, too, should host the reception." One industry official said that "we wanted to make sure the entirety of the industry was represented to the council and not just a subset.30 The event was intended to take place at the Kennedy Space Center (KSC) Visitor Complex, but as the event "grew in size," it is = 2now being hosted by the Aerospace Industries Association, the American Institute of Aeronautics and Astronautics and the Coalition for Deep Space Exploration, as well as the Commercial Spaceflight Federation."

### **NASA Certifies SpaceX's Falcon 9 Rockets For Science Missions.**

SPACE (2/19, Foust) reports that NASA has certified the "current version of the SpaceX Falcon 9" to launch selected categories of science missions. NASA "disclosed the certification in its full fiscal year 2019 budget proposal, released Feb. 14, in a section about NASA's Launch Services Program (LSP)." The budget stated that SpaceX had successfully completed 30Category 2" certification for the Falcon 9 "Full Thrust," which "supports the launch of the NASA Transiting Exoplanet Survey Satellite (TESS) mission in March 2018." NASA spokesperson Cheryl Warned confirmed Category 2 certification had been received for the rocket. Category 2 certification covers "medium risk" missions, and requires between one to three successful missions to qualify for the missions, "depending on the vehicle's heritage and level of NASA insight." The LSP is also conducting "preliminary activities" for certifying the Orbital ATK Antares launch vehicle, according to the documents. The program has also "started certification discussions regarding vehicles still in development, including Blue Origin's New Glenn, Orbital ATK's Next General Launch and United Launch Alliance's Vulcan."

## **Launch Of SpaceX Satellite Internet Payload Delayed To Wednesday.**

The AP (2/17) reported that a SpaceX satellite launch from Vandenberg Air Force Base in California has been delayed "due to the need for more inspections." A Falcon 9 rocket was originally intended to launch a payload of two SpaceX test satellites on Sunday evening, but the launch is now targeted for Wednesday.

CNBC (2/17, Sheetz) reported that the SpaceX Starlink constellation, if fully deployed, would become the largest current satellite network. The largest "existing constellation is built by Iridium, with the company halfway through launching its new 75 Iridium Next satellites to space, set to finish deployment in the next year." The Starlink constellation is currently under consideration by the FCC.

The Washington Post (2/16, Fung) reported that the satellites are "part of a years-long plan by chief executive Elon Musk to create a fleet of orbiting devices to blanket the globe in wireless broadband connectivity." The satellites will use radio frequencies "known for their low-lag physical properties," in particular the Ka-, Ku- and V-bands, "with about 4,400 K-band satellites and more than 7,000 V-band satellites." The initial satellites in the network are expected to become operational next year.

## **Launch Of NASA'S TESS "Planet Hunter" Satellite Delayed.**

Florida Today (2/17, Dean) reported that the launch of NASA's Transiting Exoplanet Survey Satellite (TESS) satellite, which had been scheduled for March 20, has been delayed to no earlier than April 16 after launch provider SpaceX requested more time "for hardware readiness and to meet NASA launch service mission requirements." The mission must launch no later than June. TESS is designed to "discover thousands" of exoplanets, and will "scan an area of sky 350 times larger than that covered by NASA's Kepler and K2 missions that have confirmed roughly 2,500 exoplanets" in a mission lasting at least two years.

## **Astronauts Complete Repairs To ISS Robotic Arm.**

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The AP (2/16, Dunn) reported that astronauts aboard the International Space Station (ISS) "wrapped up months of repair work Friday" and completed repairs on the space station's Canadian-built robotic arm, which had "both of its aging mechanical hands replaced on spacewalks conducted in October and January." The final spacewalk was delayed due to complications with the robotic hand installed in January. Ground controllers eventually solved the issues, but additional delays were caused by the arrival of a Russian cargo vessel. NASA astronaut Mark Vande Hei and Japanese astronaut Nirishige Kanai "accomplished their main objectives so fast that they had time to tackle extra chores," and were able to end their spacewalk early.

## **US Air Force, Aerojet Rocketdyne Renegotiating AR1 Agreement.**

Space News (2/16, Foust, Subscription Publication) reported that Aerojet Rocketdyne and the US Air Force are working to "revise an agreement to support development of the company's AR1 rocket engine, as questions continue about the engine's long-term future." In a February 14 statement, the Air Force Space and Missile Systems Center (SMC) "confirmed that Aerojet Rocketdyne is seeking to revise the Rocket Propulsion System (RPS) award the company received in 2016 to reduce the fraction of development costs the company has to pay." The award currently

requires Aerojet Rocketdyne to assume a third of the costs related to the AR1 engine, and the company is seeking to reduce its share of the costs to one-sixth, according to the SMC. In its response, the SMC said that the ~~20~~ Air Force has gained the necessary approvals to do so, if a mutually beneficial arrangement can be reached with Aerojet Rocketdyne," and added that the two sides "working very hard to find closure on a restructured agreement." The SMC said that any renegotiation would "still require the AR1 to be completed by the end of 2019."

### **JSC Director: One-Third Chance Next Astronaut On The Moon May Be A Woman.**

The Guardian (UK) (2/17, Davis) reported that NASA Johnson Space Center (JSC) Director Ellen Ochoa said that there is at least a one in three chance that the first person to step foot on the moon this century will be a woman. Ochoa explained, "About a third of our active astronauts are women, so chances are at least a third."

### **KSC Visitor Center To Display Falcon Heavy Side Core Through Tuesday.**

Florida Today (2/19, Kelly) reports that one of the side cores launched on SpaceX's first Falcon Heavy rocket will be on display at the space shuttle Atlantis exhibit at the Kennedy Space Center (KSC) Visitor Complex through Tuesday.

## **MANUFACTURING**

### **Global Dividends Reached Record \$1.25T In 2017.**

Reuters (2/19, Masoni) reports that the investment firm Janus Henderson announced Monday that "global dividends rose 7.7 percent to an all-time high of \$1.25 trillion (1 trillion euros) last year boosted by a buoyant world economy and rising corporate confidence." The firm said that the dividend increase – "the strongest since 2014 – was driven by increases in every region and almost every industry with record showings in 11 countries including the United States, Japan, Switzerland, Hong Kong, Taiwan and the Netherlands, the investment manager added." In 2018, Janus Henderson "expects dividends to keep the same 7.7 percent growth rate to reach around \$1.35 trillion, as corporate and economic growth remains strong even in more volatile financial markets." Director of Global Equity Income Ben Lofthouse is quoted saying, "Companies are seeing rising profits and healthy cash flows, and that's enabling them to fund generous dividends. The record payout last year was almost three-quarters higher than in 2009, and there is more to come."

## **STEM EDUCATION**

### **Reaching Out To Young People Helps To Build Interest In ~~20~~ Smart Manufacturing."**

Advanced Manufacturing (2/15) reported that rather than continuing to "bemoan the problem" of a lack of skilled workers, "manufacturers are taking a multi-faceted approach to bridge the gap – not only for next year but also for 15 years down the road." One part of the solution is "reaching out to children as young as nine to build excitement and get the next generation interested in smart manufacturing." Rockwell Automation Global STEM Ambassador Jay Flores was quoted saying, "At a young age, students are curious. They're asking questions. They haven't yet said, 'I'm not a math person,' so we want to get them before they have those doubts or they lose that passion for learning



and curiosity." In addition, "manufacturers also are offering scholarships and apprenticeships," while "companies are providing on-the-job training and education reimbursements to deepen and broaden their skills."

Separately, The Hill (2/15, Milliken) reported on a hearing in the House Science, Space and Technology Committee on Thursday that focused on "new programs to help boost the number of science and technology workers in the US." The Hill added that "the Science committee's subcommittee on research and technology heard from educators who highlighted vocational training programs, two-year degrees and community colleges to help fill the gap."

***Manufacturing Institute's Lee: US Not Producing Enough Workers To Fill Coming Jobs.*** The Hill (2/13, Wilson) reported on the various efforts to combat the "skills gap" in the US workforce, writing that "economists, demographers and political leaders are increasingly concerned that the next generation of workers won't be ready to fill millions of new jobs across the country." It added that "the combination of a generational sea change in the workforce and a technological revolution in the economy is conspiring to create a skills gap that could leave jobs unfilled."

## FRIDAY'S LEAD STORIES

- New Mexico Legislature Passes Bill Increasing Confidentiality For Spaceport America Tenants.
- Airlines, Pilots, Air Traffic Controllers Urge Congress To Allow UAV Regulations.
- Delta Will Buy Bombardier CSeries Jets This Year.
- Richard Branson Admits To Jealousy Of Successful Falcon Heavy Launch.
- Federal Reserve: Industrial Production Fell 0.1% In January.

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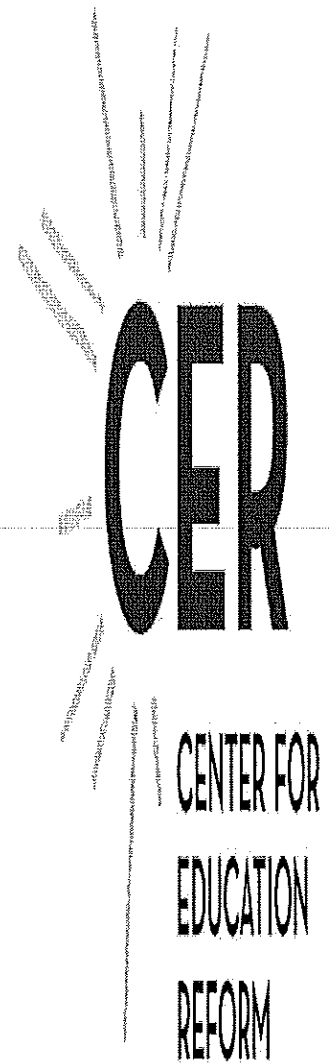
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**From:** The Center for Education Reform  
**Sent:** Friday, February 23, 2018 12:44 PM  
**To:** Rep30  
**Subject:** Employee Freedom on Trial Monday

**MEDIA ADVISORY**  
Friday, February 22, 2018



**CONTACT**

Christina Mazzanti, Dir., Communications  
christina@edreform.com  
(202) 750-0016

## **Monday: US Supreme Court hears arguments on worker freedom**

*Janus v. AFSCME* decision, whether favorable or not, will have wide-ranging implications for public-sector union employees and education at large

(Washington, D.C.) - On Monday the U.S. Supreme Court hears oral arguments in *Janus v. AFSCME*. The significance of this case cannot be overstated; the decision could potentially restore the freedom of public employees to choose how they want their hard-earned paychecks spent, and might put decisions about voluntary union membership back into the hands of the employees themselves.

According to the Manhattan Institute, the decision can affect 5 million public workers across 22 states including California, Illinois, and New York.

The case results will also have implications for the quality of education we deliver to our children. The teachers unions fight hard to protect mediocrity, even in failing schools, and support policies that keep ineffective teachers in the classroom, a taken-for-granted practice which in turn discourages more quality entrants to the profession.

Union demands for teachers to all behave and comply with fixed rules about how schools are run stifle innovation.

The largest teachers unions in the U.S., the National Education Association and the American Federation of Teachers, are also among the largest political donors of all time, together spending the second most in political donations nationally. Many of the policies and politicians they support, and programs they seek to have implemented prevent children from escaping failing schools and deny parents their due power to determine which education best meets the needs of their children.

Leaders on both sides of the argument will be at the Supreme Court Monday. CER and its leadership will be on site to arrange interviews, and CER Founder & CEO Jeanne Allen will be available for comment. For more, contact Christina Mazzanti at (202) 750-0016 or christina@edreform.com, and for information on location

Monday contact Patrick Korten at (202) 288-4307 or  
[patrick.korten@kortenmedia.com](mailto:patrick.korten@kortenmedia.com).

###

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Founded in 1993, the Center for Education Reform aims to expand educational opportunities that lead to improved economic outcomes for all Americans — particularly our youth — ensuring that conditions are ripe for innovation, freedom and flexibility throughout U.S. education.

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**From:** K.D. Miller  
**Sent:** Friday, February 23, 2018 1:22 PM  
**To:** Rep30  
**Subject:** Please pass HB160 out of committee

Bill Seitz,

I was born and raised in Kenton, Ohio and my family still lives there. I am in Washington D.C. currently furthering my education working on a graduate degree, hopeful that what I learn will not only be useful in my future career endeavors but that I will be able to utilize my experience in my home state.

As an out transgender person my rights for employment and housing are protected here in Washington D.C. and it is a shame that Ohioans are not afforded the same right as those in our nations capitol. HB160 solves that discrepancy and makes Ohio a viable choice as a place to live and advance careers for people like me.

I hope someday I can move back to my home community with the confidence that I will be afforded protections from discrimination based on my gender identity and expression. HB160 is a great start to building that confidence.

When given the opportunity, please vote YES on HB160, The Ohio Fairness Act, all Ohioans deserve the right to work and live in the great state we were raised in.

Sincerely,  
Keygan D. Miller

K.D. Miller  
kdmiller88@gmail.com

Kenton, Ohio 43326

**From:** The Buckeye Institute

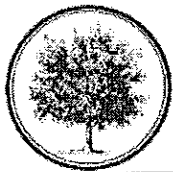
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**Subject:** ICYMI: Buckeye's Robert Alt Sat Down with IdeaStream's Ashton Marra to Discuss Janus v. AFSCME

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## THE BUCKEYE INSTITUTE

### **Buckeye's Robert Alt Sat Down with IdeaStream's Ashton Marra to Discuss Janus v. AFSCME**

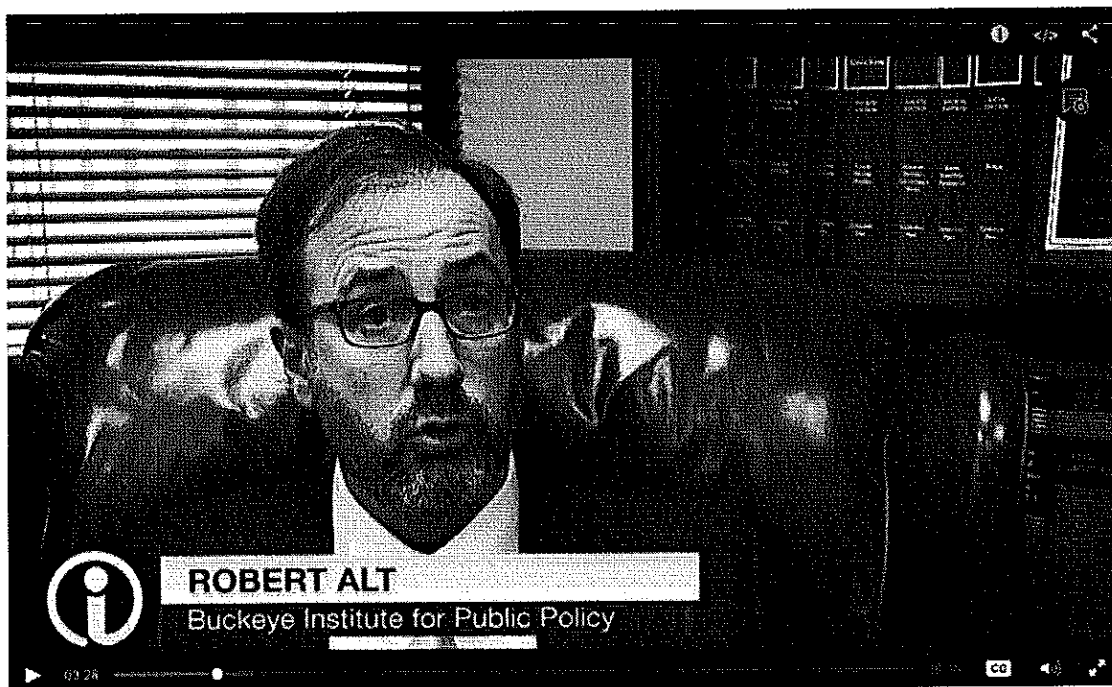
The Buckeye Institute's president and CEO Robert Alt, talked to IdeaStream's Ashton Marra about *Janus v. AFSCME* and the impact it could have on protecting the First Amendment rights of Ohio's public employees.

In the interview, Alt said in regards to public employees being forced to pay agency fees, "You don't have a choice then on how it is that the unions use that money in terms of speech, what they advocate for. That's really the core of this case."

Read and listen to the radio piece at: <http://bit.ly/2EMIE8e>.

Watch the television piece at: <http://bit.ly/2CGH1XH> (Segment runs from :56-6:27).



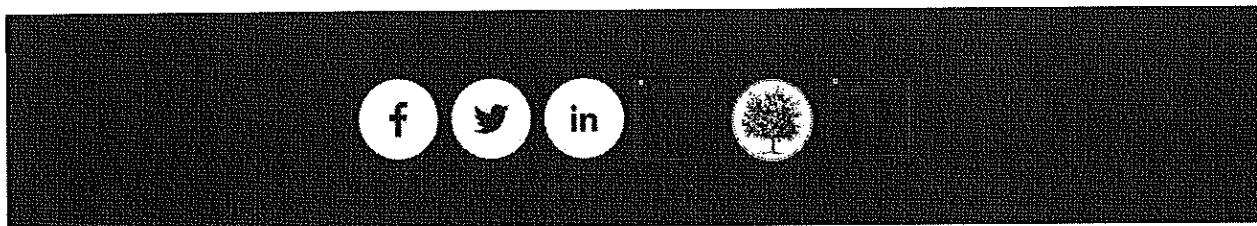


# # #

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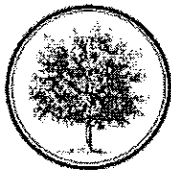
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**Sent:** Saturday, February 24, 2018 12:49 PM  
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**Subject:** The Buckeye Institute's Robert Alt: Unions Should Rally Behind the First Amendment Rights of All Public Employees

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Contact: Lisa Gates, Vice President of Comms  
(614) 224-3255 or [Lisa@BuckeyeInstitute.org](mailto:Lisa@BuckeyeInstitute.org)

**FOR IMMEDIATE RELEASE**  
February 24, 2018

### **The Buckeye Institute's Robert Alt: Unions Should Rally Behind the First Amendment Rights of All Public Employees**

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**Columbus, OH** -- Robert Alt, president and chief executive officer of **The Buckeye Institute**, issued the following statement regarding the Working People's Day of Action rally in Columbus, Ohio.

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"Today we witnessed the First Amendment in action. Individuals who support unions joined together at a rally to freely express their opinions. But what if instead of rallying and voicing their own opinions, they were forced to pay for the speech of those who oppose unions or else they would be fired? That would be unfair, not to mention violate the First

Amendment. Mark Janus and public employees in many states including Ohio face exactly that kind of predicament.

"On Monday, we will once again watch the robust protections of our constitutional system in action as Mr. Janus' case is heard before the Supreme Court of the United States. If Mr. Janus prevails, public employees will no longer be forced to pay for political speech with which they disagree, thus ending the violation of their First Amendment rights.

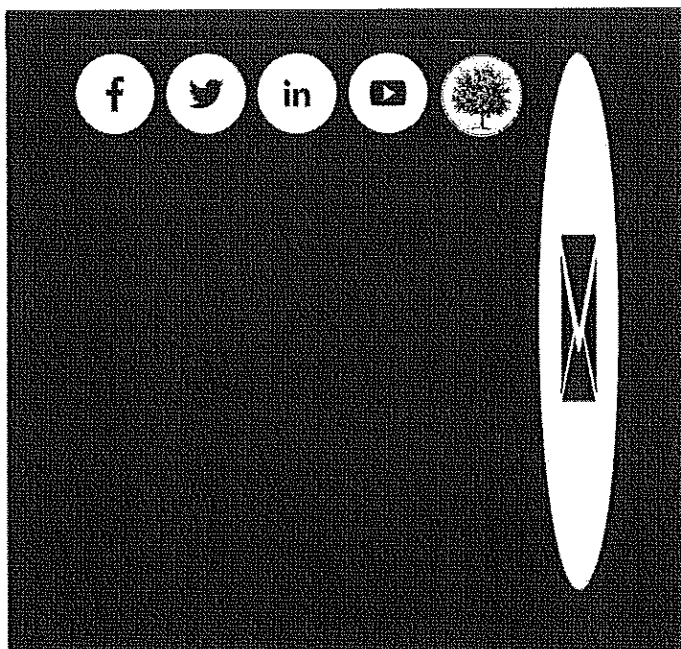
"While some claim *Janus v. AFSCME* is an attempt to weaken unions, The Buckeye Institute filed an amicus brief demonstrating that unions can still **thrive without compulsory dues**. What will change if Mr. Janus prevails is that our hard-working public servants, even those who disagree with the unions, will have their First Amendment rights protected and respected. And that is something all of us should rally behind."

###

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**From:** Public Policy Law360  
**Sent:** Monday, February 26, 2018 5:10 AM  
**To:** Rep30  
**Subject:** Up Next At The High Court: Antitrust Rule, Public Unions



Monday, February 26, 2018



## TOP NEWS

### **Up Next At The High Court: Antitrust Rule, Public Unions**

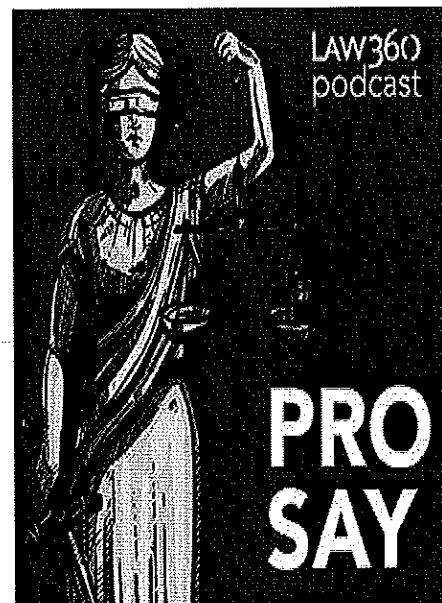
The U.S. Supreme Court is closing out its February oral argument session with a blockbuster docket, taking on a key doctrine of antitrust law in a case involving American Express Co. and pondering the fate of public sector unions. [Read more »](#)

### **High Court Fight Over SEC In-House Judges Heats Up**

A high-profile challenge to the U.S. Securities and Exchange Commission's in-house court intensified in recent days as government lawyers urged the U.S. Supreme Court to give the agency's chair the power to remove administrative law judges, while a money manager whose case is now before the justices has asked them to come down hard against the regulator over what he calls its use of an unconstitutional tribunal. [Read more »](#)

### **Florida Gov, Lawmakers Propose Raising Gun-Buying Age**

In response to calls for action following the Feb. 14 mass shooting at Marjory Stoneman Douglas High School, Florida's governor and top lawmakers unveiled plans Friday to quickly enhance gun control, school safety and mental



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#### **LAW FIRMS**

Allen & Overy  
Arent Fox  
Baker McKenzie  
Baldwin Crocker  
Barasch McGarry  
Boies Schiller  
Bond Schoeneck  
Buchanan Ingersoll

health services, including raising the minimum age for all gun purchases to 21. [Read more »](#)

### **Philly Bar Chancellor Rips Calls For Justices' Impeachment**

The chancellor of the Philadelphia Bar Association on Friday lambasted the growing number of Republican politicians calling for the impeachment of state Supreme Court justices who in January ordered the redrawing of congressional districts to correct for partisan gerrymandering. [Read more »](#)

### **Manafort Associate Pleads Guilty In Mueller Probe**

Richard Gates, an ex-business associate of President Donald Trump's former campaign chairman Paul Manafort and himself a former member of the campaign, pled guilty Friday to charges brought as a part of Special Counsel Robert Mueller's investigation into Russian interference in the 2016 presidential election. [Read more »](#)

### **US Squeezes N. Korean Shipping Sector With New Sanctions**

The Trump administration on Friday unveiled a slew of new sanctions aimed at cracking down on North Korea's shipping industry, flexing its muscle in what the president deemed the "largest ever" sanctions package imposed against the country. [Read more »](#)

## **BANKING & SECURITIES**

### **Analysis**

### **Reg A+ 'Mini-IPOs' Face Market Resistance**

Nearly all publicly traded companies that have raised money through so-called Reg A+ initial public offerings — a scaled-down version of a traditional IPO intended to ease burdens on smaller companies — have seen their shares plunge since going public, raising questions about the program's viability. [Read more »](#)

Cantey Hanger  
Cokinos Young  
Covington & Burling  
Cravath Swaine  
DLA Piper  
Davis Wright Tremaine  
Duane Morris  
Earthjustice  
Fineman Krekstein  
Gibson Dunn  
Greenberg Traurig  
Haynes and Boone  
Hogan Lovells  
Holland & Knight  
Irell & Manella  
Jones Day  
Jones Walker  
K&L Gates  
KaiserDillon  
Kaplan Voekler  
Katten Muchin  
Kellogg Hansen  
King & Spalding  
Kirkland & Ellis  
Labaton Sucharow  
Latham & Watkins  
Law Offices of Stewart and Stewart  
Linklaters  
Littler Mendelson \_ \_  
Long Tuminello  
McKool Smith  
Miles & Stockbridge  
Morgan Lewis  
Morrison & Foerster  
Murphy & McGonigle  
Native American Rights Fund  
Norton Rose Fulbright  
Oblon

## **Ex-SEC Chair Urges Delay Of Post-IPO Suit Policy Debate**

Former SEC Chairman Harvey Pitt on Friday urged current Chairman Jay Clayton to put on "the back burners" the idea of allowing companies to bar investors from filing lawsuits after an initial public offering, saying debating the subject would divert the agency's "limited resources." [Read more »](#)

## **ENERGY & ENVIRONMENTAL**

### **Analysis**

### **FERC Advancing Clean Energy Despite Trump's Fossil Focus**

From rejecting a power plant bailout plan to removing electricity market barriers for renewable-friendly technologies, the Federal Energy Regulatory Commission is a lone bright spot for clean energy advocates dismayed by the Trump administration's singular focus on fossil fuels, though experts say FERC's motivations are more economic than political. [Read more »](#)

### **Judge Nixes BLM's Delay Of Obama Methane Flaring Rule**

A California federal judge on Thursday lifted the U.S. Bureau of Land Management's block of an Obama-era rule limiting methane venting and flaring from natural gas wells on public and tribal lands, saying the agency's rationale isn't likely to pass muster. [Read more »](#)

### **Perry, Zinke Call For 'Responsible' Energy, Public Land Use**

A pair of Cabinet secretaries who set the nation's energy policy called for "responsible" increases in the use of public lands, as well as changes to the nation's energy policy, saying Friday that the previous administration had stifled innovation and community growth. [Read more »](#)

### **Exxon Pushes Back Against NY AG's Free Speech Arguments**

Exxon on Thursday asked a New York federal judge to reject the state attorney general's

Ogletree Deakins  
Orrick Herrington  
Outten & Golden  
Paul Weiss  
Perkins Coie  
Polsinelli  
Proskauer Rose  
RheemBell & Mermelstein LLP  
Riley Safer  
Roberts Reynolds  
Rosette LLP  
Sandberg Phoenix  
Sandler Reiff  
Schiff Hardin  
Sidley Austin  
Skadden  
Squire Patton Boggs  
Stroock & Stroock  
Tucker Ellis  
Weil Gotshal  
Western Environmental Law  
Center  
Wiley Rein  
WilmerHale

### **COMPANIES**

AT&T Inc.  
Air Line Pilots Association  
International  
Altera Corporation  
Amazon.com Inc.  
American Express Company  
American Federation of Labor and  
Congress of Industrial  
Organizations  
American Federation of State,  
County and Municipal Employees  
American Trucking Associations  
Inc.  
Apple Inc.



contention that the Second Circuit's recent decision that the First Amendment does not shield social welfare organizations from disclosing their donors also undermines the company's free speech claims against state climate change probes. [Read more »](#)

## IP & TECHNOLOGY

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### **Iancu Sworn In At USPTO, Pledges 'Reliable, Predictable' IP**

Former Irell & Manella LLP managing partner Andrei Iancu was sworn in as director of the U.S. Patent and Trademark Office on Friday and said in a speech that he aims to "foster a culture of innovation" in America and bolster confidence in intellectual property rights. [Read more »](#)

## MEDIA & ENTERTAINMENT

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### **Advertising Co. Wins Removal Of Uber, Lyft Ad Ban In NYC**

A New York federal judge decided Thursday a company that places advertising in vehicles operated by ride-hailing companies including Uber and Lyft should be able to do so in New York City because the city's Taxi and Limousine Commission was unable to justify its ban on such advertisements. [Read more »](#)

## TRANSPORTATION & INFRASTRUCTURE

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### **Analysis**

### **Top Challenges Facing Amtrak In 2018**

Amtrak is facing growing pressure to improve its spotty performance, justify its national network of routes, and modernize its systems following a string of high-profile derailments and accidents and continuing threats to its budget. [Read more »](#)

## REAL ESTATE

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### **Analysis**

### **Fla. Man, City To Spar Over Retaliatory Arrest In High Court**

Aruba Networks, Inc.  
BDO USA LLP  
Bristol-Myers Squibb Company  
BuzzFeed Inc.  
C.H. Robinson Worldwide Inc.  
CH Energy Group Inc.  
CSX Corporation  
CTIA  
Carlyle Group LP  
Clean Air Task Force  
D. R. Horton Inc.  
Delta Air Lines Inc.  
Deutsche Bank AG  
Digital Realty Trust Inc.  
Discover Financial Services  
Dunkin' Brands Group Inc.  
Electronic Frontier Foundation  
Environmental Defense Fund Inc.  
Exxon Mobil Corporation  
GlaxoSmithKline  
Google Inc.  
Harley-Davidson, Inc.  
International Centre for Settlement of Investment Disputes  
JPMorgan Chase & Co.  
Land O'Lakes Inc.  
Lyft Inc.  
Microsoft Corporation  
National Fish and Wildlife Foundation  
National Public Radio Inc.  
National Retail Federation Inc.  
National Rifle Association of America  
National Right to Work Legal Defense Foundation  
Natural Resources Defense Council  
Noble Energy, Inc.

When Fane Lozman — houseboat owner, activist and thorn in the side of Riviera Beach, Florida's city government — makes his second trip to the U.S. Supreme Court on Tuesday, he'll argue that the city arrested him because of his vocal opposition to a marina development plan, in a case that will have the justices tackle whether probable cause for an arrest eclipses any claims of retaliatory arrest. [Read more »](#)

Analysis

### **Developers Eyeing Midtown East Projects, But Face Hurdles**

Questions abounded as to how developers would react after New York City last year finalized plans to rezone dozens of blocks in Midtown East, but several recently announced projects have lawyers saying the area could see a surge of development activity — although challenges remain. [Read more »](#)

## **EMPLOYMENT**

Analysis

### **Union Foes Angle For Knockout In 'Right To Work' Fight**

More than 40 years ago, the National Right to Work Legal Defense Foundation fell short of persuading the U.S. Supreme Court to let workers represented by public-sector unions withhold payment for that representation — one of its founding aims — in *Abood v. Detroit Board of Education*. On Monday, the group gets another shot before a high court that many expect to rule in its favor. [Read more »](#)

### **Cabbies Insist NY Officials Can't Dodge Uber, Lyft Rules Suit**

Long Island taxicab owners told a federal judge Friday that New York Gov. Andrew Cuomo and other state officials cannot dodge a federal suit alleging new regulations allowing Uber and Lyft to operate upstate and in the suburbs are unconstitutional, saying the officials don't have immunity. [Read more »](#)

Pennsylvania Bar Association  
Princess Cruise Lines Ltd.  
Reed Elsevier  
Robert Half International Inc.  
Service Employees International Union  
Sierra Club  
Sinclair Broadcast Group, Inc.  
Snap Inc.  
Southwest Airlines Co.  
Tax Foundation  
The American Law Institute  
Tribune Media Co.  
Twilio Inc.  
Twitter Inc.  
U.S. Chamber of Commerce  
Uber Technologies Inc.  
United Federation of Teachers  
United Parcel Service Inc.  
Volkswagen  
Wayfair LLC  
Wegener Corp.

## **GOVERNMENT AGENCIES**

Bureau of Citizenship and Immigration Services  
Bureau of Land Management  
Community Development Financial Institutions Fund  
Delaware Court of Chancery  
Department of Commerce  
Drug Enforcement Administration  
Eastern Shoshone Tribe  
European Commission  
European Union  
Executive Office of the President  
Federal Bureau of Investigation  
Federal Communications Commission

## **Top Dem Wants Hearing On NLRB Member's Alleged Conflicts**

The House Education and Workforce Committee's top Democrat called Friday for a hearing into whether National Labor Relations Board member Bill Emanuel's ties to Littler Mendelson PC should have disqualified him from participating in a landmark joint employment case, as the inspector general recently concluded. [Read more »](#)

## **COMPETITION**

### **Sinclair-Tribune Divestiture Plan Underwhelms, Advocate Says**

Sinclair Broadcast Group Inc. recently revealed plans to give up a slate of stations in its proposed megamerger with Tribune Media Co., but at least one advocacy group is crying foul at the plan as a half-hearted concession underpinned by cooperation from the Federal Communications Commission. [Read more »](#)

### **Air Unions Fight To Upend Norwegian Air Permit At DC Circ.**

Airline unions urged the D.C. Circuit Friday to upend the U.S. Department of Transportation's grant of a foreign air carrier permit to Norwegian Air Shuttle ASA's Irish subsidiary, arguing all they need for standing for the challenge is market entry by a competitor that allegedly will undercut labor standards. [Read more »](#)

## **GOVERNMENT CONTRACTS**

### **Firm Plagiarized Puerto Rico Contract Bid, Dems Claim**

An Atlanta-based, one-person company that failed to deliver over 29 million emergency meals to Puerto Ricans after Hurricane Maria appears to have extensively plagiarized its winning bid to secure a \$156 million food supply government contract, Democratic lawmakers said Friday. [Read more »](#)

## **INTERNATIONAL TRADE**

Federal Emergency Management Agency

Federal Energy Regulatory Commission

Federal Trade Commission

Government Accountability Office

Illinois Attorney General's Office

Internal Revenue Service

International Trade Commission

Kansas Department of Commerce

Mississippi Development Authority

NAFTA

National Economic Council

National Institute of Standards and Technology

National Labor Relations Board

National Railroad Passenger Corporation

National Transportation Safety Board

New York Attorney General's Office

New York State Department of Motor Vehicles

Northern Arapaho Tribe

Office of the U.S. Trade Representative

Ohio Development Services Agency

Omaha Tribe of Nebraska

Securities and Exchange Commission

Texas Department of Insurance

Texas Legislature

U.S. Attorney's Office

U.S. Census Bureau

U.S. Department of Defense

U.S. Department of Homeland Security

U.S. Department of Justice

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### **Trump Taps Former USTR Atty For Int'l Trade Commission**

President Donald Trump intends to nominate a former U.S. Trade Representative attorney for a seat on the U.S. International Trade Commission, the White House said Friday. [Read more »](#)

### **Pentagon Favors 'Targeted' Steel, Aluminum Tariffs**

The U.S. Department of Defense has endorsed hitting imports of steel and aluminum with "targeted" tariffs rather than across-the-board enforcement measures, according to a memo released by the Trump administration late Thursday. [Read more »](#)

### **Canada Says It Has No Plans To Nix Arbitration From NAFTA**

A Canadian trade official refuted reports that Canada has proposed to the U.S. eliminating the North American Free Trade Agreement's investor-state dispute settlement provision, telling Law360 on Thursday that if the U.S. intends to opt out of the provision, Canada will focus on a bilateral arbitration mechanism with Mexico. [Read more »](#)

## **TAX**

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#### **Analysis**

### **Looming Cap On Borrowing Could Alter Financing Strategies**

In four years, the new tax law is scheduled to tighten restrictions on businesses claiming deductions for interest paid on borrowed funds, but highly leveraged companies already are evaluating how this imminent change will affect their cash flows and financing options. [Read more »](#)

#### **Analysis**

### **Tax Reform Seen Prompting Few Transfer Pricing Settlements**

The new U.S. tax on deemed repatriated offshore earnings could encourage the Internal Revenue Service to settle some pending transfer pricing

U.S. Department of Labor  
U.S. Department of Transportation  
U.S. Department of the Interior  
U.S. Department of the Treasury  
U.S. Environmental Protection Agency  
U.S. House of Representatives  
U.S. Immigration and Customs Enforcement  
U.S. Patent and Trademark Office  
U.S. Senate  
U.S. Supreme Court  
West Virginia Department of Commerce

cases, but it won't cause the agency to abandon most of those assessments, practitioners told Law360. [Read more »](#)

### **Foreign-Derived Income Rate Might Not Go Up, Brady Says**

The new U.S. tax law's reduced rate for the foreign use of domestically held intangible assets such as intellectual property might not increase when it's currently scheduled to do so, U.S. Rep. Kevin Brady, R-Texas, said Friday at a conference in Houston. [Read more »](#)

#### **Feature**

### **Days Appear Numbered For Lax Online Sales Tax Collection**

Tax advisers say there's a growing awareness and concern among online sellers that the lax and sporadic sales tax collection practices of the past are over. [Read more »](#)

### **Treasury's Mnuchin Says IRS Calculator Coming Soon**

U.S. Treasury Secretary Steven Mnuchin announced Friday at a White House press conference that the Internal Revenue Service will possibly release its tax calculator next week, through which filers can see how their withholdings will be affected by the recent federal tax overhaul legislation. [Read more »](#)

### **TIGTA Criticizes IRS' Worker Misclassification Project**

The Treasury Inspector General for Tax Administration released a report on Friday calling on the IRS to better implement its worker misclassification initiative, saying the agency has not effectively done so because of staff turnover, decreased funding and other competing priorities. [Read more »](#)

### **No Quick Answer On Transition Tax, Treasury Official Says**

Taxpayers shouldn't hold their breath waiting for guidance on how foreign income tax factors into

the calculation of the overseas earnings they bring back to the U.S. under the recently enacted tax overhaul, a U.S. Department of Treasury official said Friday at a conference in Houston. [Read more »](#)

## IMMIGRATION

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### **Trump Argues Dems 'Abandoned' Dreamers, Deal May Fail**

President Donald Trump blamed Democrats for breakdowns in the recent immigration debate Friday, saying they have "abandoned" so-called Dreamers and would be responsible if no deal happens, while echoing campaign rhetoric about "criminal aliens." [Read more »](#)

### **NY, Others Back Chicago In Sanctuary City Battle With Feds**

New York, California, 13 other states and the District of Columbia urged an Illinois federal court Thursday to deny the federal government's bid to toss Chicago's lawsuit challenging the Trump administration's efforts to withhold federal public safety grant funds from so-called sanctuary cities, saying the move is unlawful. [Read more »](#)

### **USCIS Adds Tighter Requirements For H-1B Visa Contractors**

Keeping with the Trump administration's efforts to combat visa fraud, immigration attorneys said U.S. Citizenship and Immigration Services is making it harder for employers to contract out their skilled workers with H-1B visas to other companies, reacting to a policy memo released Friday. [Read more »](#)

## NATIVE AMERICAN

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### **NY Asks 2nd Circ. To Affirm \$247M UPS Cigarette Penalty**

The city and state of New York asked the Second Circuit on Wednesday to affirm a \$247 million penalty against United Parcel Service Inc. for helping to move untaxed cigarettes from tribal lands, saying UPS' request to drastically reduce

its penalty was based on meritless claims of immunity. [Read more »](#)

### **Tribes Urge Justices To Undo Wyoming Reservation Ruling**

The Eastern Shoshone Tribe and the Northern Arapaho Tribe have each urged the U.S. Supreme Court to overturn a Tenth Circuit decision that shrank the size of their shared Wyoming reservation, saying the panel's holding that a 1905 law diminished the reservation created a circuit split and conflicted with high court precedent. [Read more »](#)

## **TELECOMMUNICATIONS**

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### **Carriers Accused Of Cashing In On Net Neutrality Rollback**

AT&T and other wireless carriers have ramped up their practice of blocking promotional text message alerts since the Federal Communications Commission repealed so-called net neutrality rules, in an effort to push paid service packages, communications platform company Twilio told the FCC on Thursday in an ex parte filing. [Read more »](#)

### **FCC's Pai Awarded NRA Rifle For Net Neutrality Fortitude**

Federal Communications Commission Chairman Ajit Pai received a surprise award Friday at the Conservative Political Action Conference, when the National Rifle Association revealed it was gifting him a token firearm for enduring threats and insults amid the recent net neutrality deregulation. [Read more »](#)

## **EXPERT ANALYSIS**

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### **Series**

### **EPA In The Trump Era: The DOJ's 3rd-Party Payment Policy**

The U.S. Department of Justice's 2017 memo ending the previous administration's common practice of paying various nongovernmental, third parties as a condition of settlement with the U.S.

is an important change of course that will meaningfully impact the contours of future judicial civil consent judgments with the U.S. Environmental Protection Agency, says Raymond Ludwiszewski, former EPA general counsel and partner at Gibson Dunn & Crutcher LLP. [Read more »](#)

### **What The DOJ Cyber Task Force Can Do**

While history is littered with reports and whitepapers that do not inspire change, there is an opportunity for the U.S. Department of Justice's new Cyber-Digital Task Force to have an impact, say attorneys with Wiley Rein LLP. [Read more »](#)

### **Stakeholders Must Act Now To Nominate Opportunity Zones**

The Tax Cuts and Jobs Act created a program to direct much-needed capital to low-income communities by providing significant tax benefits to investors who use qualified opportunity funds. States, which can nominate communities for designation as qualified opportunity zones until March 21, are seeking input from stakeholders, and all need to act quickly, say Jones Walker LLP partners Aileen Thomas and Jonathan Katz. [Read more »](#)

### **The Latest On Sexual Harassment Reform In Congress**

Sexual harassment in the workplace has been in the news. You may have noticed. And that issue, as things in the news so often do, has made its way to the Hill. Bill Pittard, partner at KaiserDillon PLLC examines the existing law and practice under which sexual harassment allegations in the congressional workplace typically are handled, and touches on the key elements of the leading House proposals to amend that framework. [Read more »](#)

## **LEXIS PRACTICE ADVISOR**

### **Understanding Texas Mechanic's Liens And Bonds: Part 3**



Texas is home to relatively complex statutory frameworks for liens and bonds used to secure payment for services rendered. Statutory and constitutional liens provide powerful remedies for nonpayment, but only if the proper guidelines are strictly observed, says David Tolin of Cokin Young in the final part of this article. [Read more »](#)

## LEGAL INDUSTRY

### Feature

#### **How Mentors For Senior Partners Could Benefit BigLaw**

Large law firms have long offered mentorship programs in which senior partners bestow pearls of wisdom upon junior attorneys, but at least one law firm is shaking up that traditional model in what some say could be a game-changer for the legal industry. [Read more »](#)

### Analysis

#### **Ex-Skadden Atty's Plea Raises Specter Of Foreign Lobbying**

The sudden guilty plea of a now-former Skadden lawyer who helped write a legal analysis commissioned by Paul Manafort on behalf of a Ukrainian president puts further scrutiny on the firm's role in the controversial report and whether Skadden crossed into the legally precarious position of unregistered lobbying for a foreign government, experts said. [Read more »](#)

#### **LSAT Administrator Likely In Contempt As Feds Sit Idly By**

A California federal judge said Friday that the Law School Admission Council Inc. was likely in contempt of a consent decree laying out ways it should accommodate disabled test takers, adding it was "astounding" that the federal government took no position on the alleged violations after it had vigorously pursued the litigation for several years. [Read more »](#)

#### **GC Cheat Sheet: The Hottest Corporate News Of The Week**

A report revealed that National Public Radio management hired and retained news executive Michael Oreskes despite multiple "flags" regarding his inappropriate behavior toward women, Democrats dinged new U.S. Securities and Exchange Commission guidance as old advice, and the general counsel of Discover Financial Services spoke with Law360 about how the company prioritizes diversity and inclusion. These are some of the stories in corporate legal news you may have missed in the past week. [Read more »](#)

**Podcast**

**Law360's Pro Say: Microsoft's Supreme Court Privacy Battle**

On the latest episode of Law360's Pro Say podcast, we are joined by Microsoft's head of litigation to talk about upcoming U.S. Supreme Court oral arguments in a privacy case over data stored on servers overseas. We also chat about a BigLaw attorney swept up in Robert Mueller's ongoing investigation, the Supreme Court narrowing legal protections for corporate whistleblowers, and a legal beef over Dunkin' Donuts Angus steak sandwiches. [Read more »](#)

**In Case You Missed It: Hottest Firms And Stories On Law360**

For those who missed out, here's a look back at the law firms, stories and expert analyses that generated the most buzz on Law360 last week. [Read more »](#)

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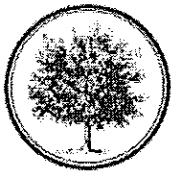
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## THE BUCKEYE INSTITUTE

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In a **piece for National Review**, Buckeye's Robert Alt looks at the funding of *Janus v. AFSCME*, saying, "What is surprising is the fact that Mark Janus is personally funding a cadre of high-priced lawyers with one goal: making sure that Mark *loses* his case."

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# NATIONAL REVIEW

## The Money Behind *Janus*: It's Déjà vu All Over Again

National Review

By Robert Alt

February 26, 2018

This morning, the Supreme Court will hear oral arguments in *Janus v. American Federation of State, County, and Municipal Employees, Council 31*. The case asks a similar question to one raised just two years ago in *Friedrichs v. California Teachers Association* - namely whether forcing a public employee to choose between subsidizing a union's political speech or being subject to termination for failure to do so violates the First Amendment.

Coming so soon after *Friedrichs* - a case in which the Court deadlocked 4-4 after the tragic and untimely death of Justice Scalia - *Janus* has a déjà vu quality to it. The sense that we have seen all of this before is nowhere more palpable than in the public arguments marshaled by some of the more liberal elements of the media against Mark Janus's case.

Bereft of sufficient legal arguments to justify the First Amendment violations perpetuated against public servants, left-wing publications have resorted to attacking the messenger. Mark Janus, a child-support specialist for the state of Illinois, is accused of being an agent of big corporations and billionaires. The proof? The public-interest law firms that represent Mr. Janus - namely Liberty Justice Center and the National Right to Work Legal Foundation - are accused of taking donations from charitable foundations that support free-market policy.

**Just as in *Friedrichs***, it is perfectly unsurprising that foundations and individuals voluntarily would give to non-profit, public-interest law firms that provide free representation to their clients. Indeed, public-interest firms on both the left and the right regularly rely on charitable donations to carry out their work.

What is surprising is the fact that Mark Janus is personally funding a cadre of high-priced lawyers with one goal: making sure that Mark *loses* his case. Why would he pay for the lawyers arguing against him? Because he has no choice. Mark is required to pay agency fees to the union, which are used for chargeable expenses like litigation, or he can be fired. And, of course, he is required to pay for political collective bargaining speech, or he can be fired.

This is the real story of the money behind the *Janus* case-a story of forced contributions for political speech. But the story could have a happy ending. The Supreme Court will hear arguments today in a case that could vindicate the First Amendment rights of millions of Americans like Mark Janus. For Rebecca Friedrichs, for Mark Janus, and for all the workers who are being denied a voice and a choice, let's hope that the second time is the charm.

*Robert Alt is the president and chief executive officer of The Buckeye Institute.*

###

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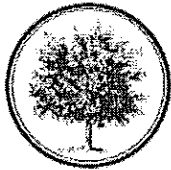
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**FOR IMMEDIATE RELEASE**

February 26, 2018

### **After Attending Oral Arguments in Janus v. AFSCME, Buckeye's Robert Alt Reacts**

**Columbus, OH** -- Robert Alt, president and chief executive officer of **The Buckeye Institute**, issued the following statement after attending the oral arguments in *Janus v. American Federation of State, County, and Municipal Employees, Council 31* at the Supreme Court of the United States.

"Today, Mark Janus, and all hard-working public employees, had their day in court. Mr. Janus's lawsuit has the potential to be one of the most important labor and free speech cases in the past 40 years.

"Justice Kennedy, who is traditionally a swing vote on the Supreme Court, asked very tough questions of the union lawyers, in which he expressed major concerns about the speech at issue being both compelled and political. Given how frequently Justice Kennedy is in the majority, his questions have to be a cause of concern for those seeking to continue the practice of forcing public servants to pay for union speech with which they may disagree.

"What Mark, and others before him have done is not easy. Standing up for your rights and the rights of others is rarely an easy thing to do, but it must be done. It is immoral for the government to force hard-working public servants to pay for political speech with which they disagree under the threat of being fired. It is also unconstitutional."

The Buckeye Institute **filed briefs** with the Supreme Court of the United States supporting the free speech rights of public employees like Mr. Janus.

###

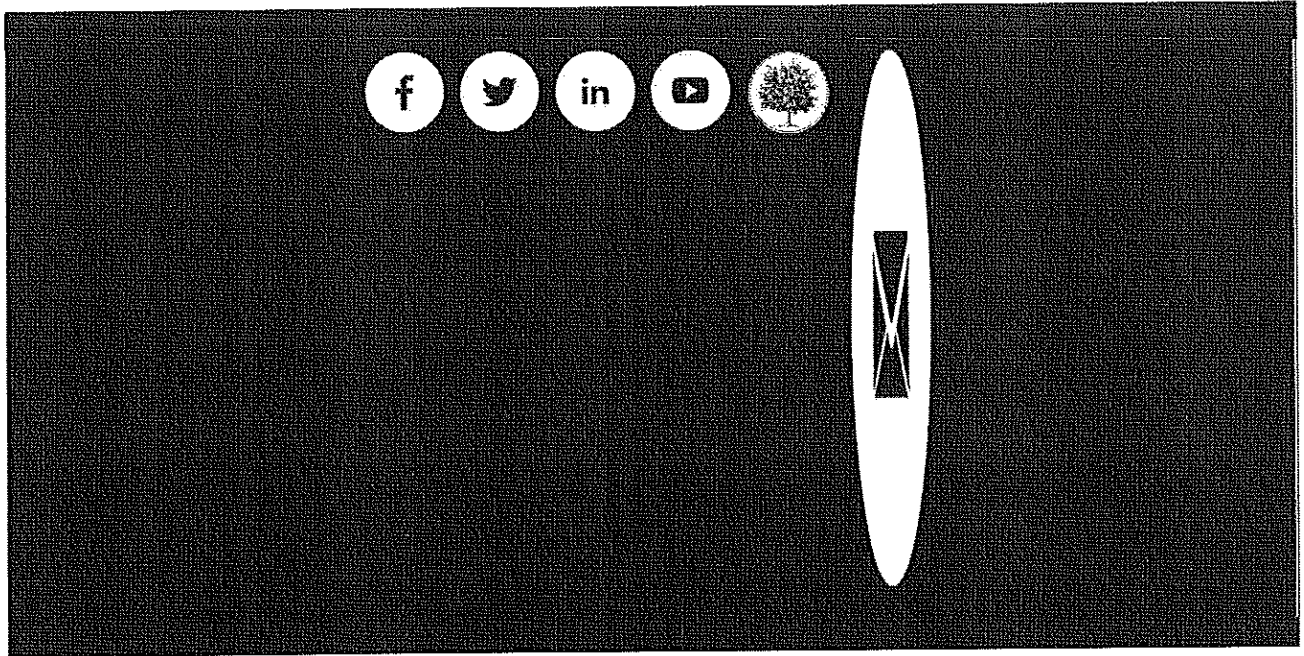
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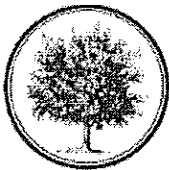
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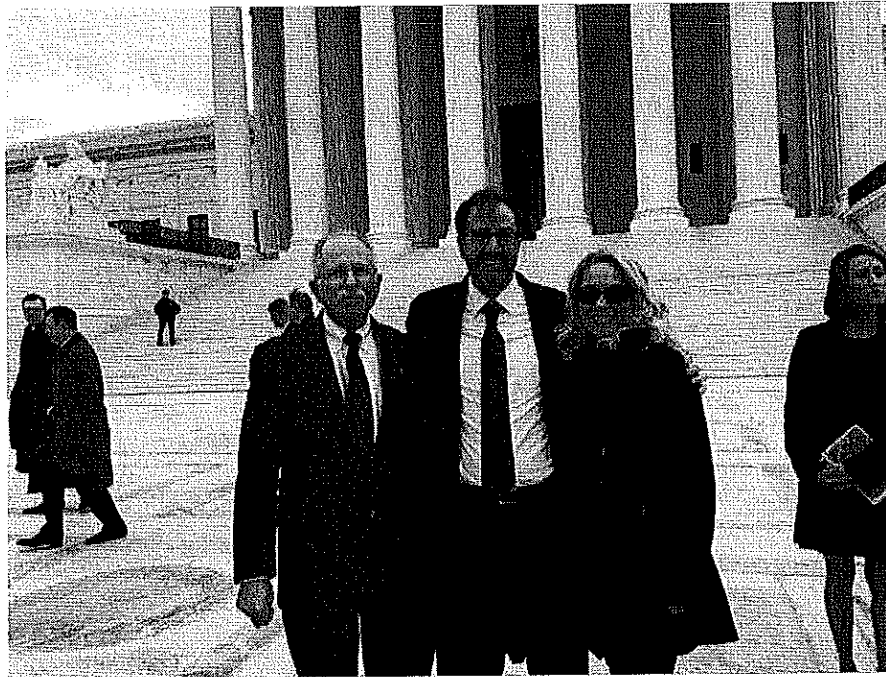
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## THE BUCKEYE INSTITUTE

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Buckeye's Robert Alt, Rea Hederman, and Lisa Gates traveled to Washington, DC, for the oral arguments in *Janus v. American Federation of State, County, and Municipal Employees, Council 31*, and a rally in support of Mark Janus and hard-working public employees this morning.



Robert Alt (center) with Mark Janus and Rebecca Friedrichs outside the U.S. Supreme Court after oral arguments.

Before they left, Robert commented on the union rally in Columbus on Saturday, saying:

"While some claim *Janus v. AFSCME* is an attempt to weaken unions, The Buckeye Institute filed an amicus brief demonstrating that unions can still **thrive without compulsory dues**. What will change if Mr. Janus prevails is that our hard-working public servants, even those who disagree with the unions, will have their First Amendment rights protected and respected. And that is something all of us should rally behind."

Before getting in line at 5:45 a.m. to attend the oral arguments this morning, Robert wrote a **piece for National Review** commenting on the funding of *Janus v. AFSCME*, saying, "What is surprising is the fact that Mark Janus is personally funding a cadre of high-priced lawyers with one goal: making sure that Mark *loses* his case."

After the oral arguments, Robert **again offered his expert opinion** to the press and his reaction to today's hearing, saying:

"What Mark, and others before him have done is not easy, but it must be done. It is immoral for the government to force hard-working public servants to pay for political speech with which they disagree under the threat of being fired. It is also unconstitutional."



Robert Alt talks with media about the *Janus v. AFSCME* oral arguments and what the case means for public employees.

While Robert was in the courtroom today, Buckeye's Rea Hederman was on the steps of the Supreme Court speaking at the Stand With Mark rally outside the Supreme Court.



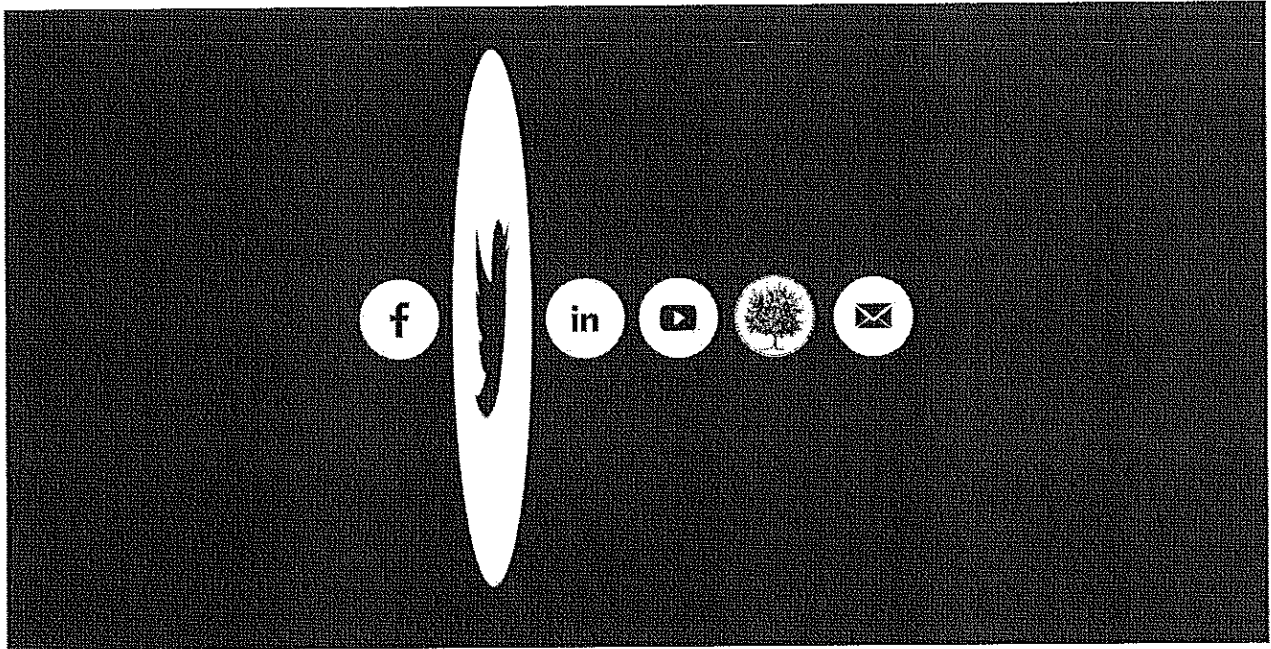
Buckeye's Rea Hederman speaks at the Stand With Mark rally.

###

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Tuesday, February 27, 2018

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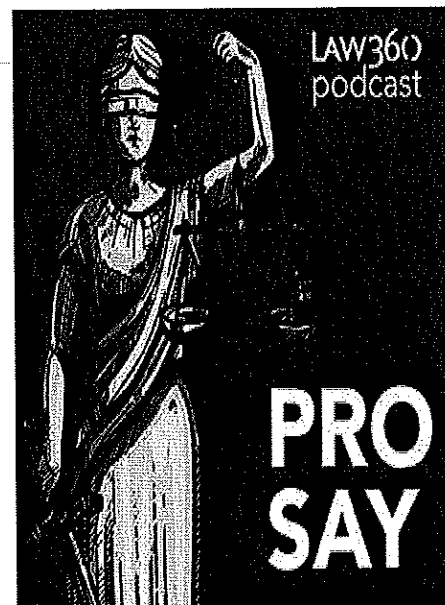
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### High Court Won't Review DACA; Program Remains For Now

The U.S. Supreme Court on Monday denied the Trump administration's bid for it to leapfrog over the Ninth Circuit and review a California federal court's order that temporarily paused a move to end the Deferred Action for Childhood Arrivals program. Read more »

### Lawsuit Over Trump's 2-For-1 Regulation Order Tossed

A D.C. federal judge tossed out a complaint Monday from public interest groups fighting President Donald Trump's executive order to repeal two federal regulations for each new one issued, ruling the groups had failed to show how the order would harm them. Read more »



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LAW FIRMS

## **Fla. Lawmakers OK Gun Bill, But Not Assault Weapons Ban**

After hearing impassioned pleas from survivors of the Feb. 14 mass shooting at Marjory Stoneman Douglas High School, a Florida Senate committee advanced a bill Monday to enhance gun control and school safety that includes a provision raising the minimum age for all gun purchases to 21, but falls short of students' demands for an assault weapons ban. Read more = 2

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## **DOT Extends 'Quiet Car' Rule Deadline For Electrics, Hybrids**

The U.S. Department of Transportation on Monday finalized a new rule requiring hybrid and electric vehicles to meet certain sound standards to alert pedestrians, bicyclists and other motorists that they're approaching, extending the deadline to phase in the new mandate by one year. Read more »

## **Fed Not Looking To Relax Bank Regulations, Top Official Says**

The Federal Reserve Board will continue seeking to provide more transparency on its "stress tests" that gauge whether big banks have sufficient cash to absorb major economic hits, but it does not intend to relax capital requirements and other key regulations put in place after the Great Recession, Fed Vice Chair Randal Quarles said Monday in Washington, D.C. Read more »

## **BANKING & SECURITIES**

= 9

Analysis

## **Focus Tightening On Debate Over Banning Post-IPO Suits**

The idea of forcing shareholders in IPO-related investor suits into arbitration has garnered increased attention in recent days, with the SEC's investor advocate saying it's a "draconian" measure that would deny

Altshuler Berzon  
Andrews Kurth Kenyon  
Baker McKenzie  
Barclay Damon  
Barrera Legal Group  
Berwin Leighton Paisner  
Bryan Cave  
Chiesa Shahanian  
Cooley  
Cotchett Pitre  
Covington & Burling  
Davis Polk  
Dechert  
Earthjustice  
Eversheds Sutherland  
Ganfer & Shore  
Gianni Origoni  
Gibson Dunn  
Goldberg Segalla  
Goldenberg Mackler

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Hunton & Williams  
Javerbaum Wurgaft  
Jenner & Block  
Kelley Drye  
Littler Mendelson  
Littman Krooks  
Salon Marrow

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Womble Bond Dickinson  
Zelle LLP

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## **COMPANIES**

Amazon.com Inc.  
American Bar Association  
American Civil Liberties Union  
American Enterprise Institute



investors the right to class action claims and one legal expert predicting the issue may have to be decided at the Supreme Court. Read more »

### **Beirut Victims' Kin Fight Bank's Bid To Stay Terrorism Case**

The families of the American service members killed in the 1983 U.S. Marine Corps barracks bombing in Beirut, Lebanon, have hit back at Clearstream Banking SA's bid to stay a ruling allowing them to pursue it for \$1.68 billion linked to Iran while the bank considers a high court appeal, telling the Second Circuit that there was no legal basis for a stay. Read more »

## **ENERGY & ENVIRONMENTAL**

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### **High Court Won't Hear Challenge To EPA Water Transfer Rule**

In a defeat for several states and environmental groups, the U.S. Supreme Court said Monday it won't hear appeals of a Second Circuit ruling that upheld a U.S. Environmental Protection Agency rule exempting some water transfers from Clean Water Act review. Read more = 2

## **HEALTH & LIFE SCIENCES**

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### **20 AGs Sue To Toss What's Left Of Obamacare**

A 20-state coalition filed suit in Texas federal court Monday seeking to put a final end to the Affordable Care Act, saying since the Trump administration eliminated the individual mandate penalty, the law's remainder "must fall," including requirements for minimum benefits and state insurance exchanges. Read more »

### **Ex-Jets Player Loses Pot Decriminalization Suit**

American Federation of State, County and Municipal Employees  
Apple Inc.

Association of Corporate Counsel  
Cagle's, Inc

Communications Workers of America

Competitive Enterprise Institute  
Delta Air Lines Inc.

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Global Automakers

Honda Motor Co. Ltd.

LexisNexis Group

Lyft Inc.

Major Lindsey & Africa

NFL Enterprises LLC

National Rifle Association of America

Natural Resources Defense Council

Nissan Motor Company

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Public Citizen Inc.

Reed Elsevier

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Regents of the University of California

Riverkeeper Inc.

Safeco

Service Employees International Union

Starbucks Corporation

State Farm

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Tax Foundation

The Center for Immigration Studies

Twilio Inc.

Twitter Inc.

United Services Automobile Association

A New York federal judge on Monday dismissed a former NFL star's suit demanding decriminalization of medical marijuana, saying the Second Circuit has already determined that Congress had a rational basis to classify marijuana as a Schedule I drug. [Read more »](#)

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### **House Passes Health Care Research, Outreach Bills**

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The House of Representatives passed a series of bills increasing funding for research on congenital heart disease and sickle cell disease Monday, as well as increasing grants for dental care in rural and other underserved areas. [Read more »](#)

### **TRANSPORTATION & INFRASTRUCTURE**

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#### **NJ Senate Passes Bill To Extend Business-Friendly Zones**

The New Jersey Senate passed a bill Monday that would extend urban enterprise zone designations — providing reduced sales taxes and other benefits to merchants — for 10 years. [Read more »](#)

### **REAL ESTATE**

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#### **NJ Justices Probe Lien Holder Standing In Development Suit**

= A The New Jersey Supreme Court suggested Monday that a holder of tax liens on a neighboring property could have standing to challenge plans for an industrial campus on an adjacent parcel, tackling what a state appellate panel has said is an issue of first impression for state courts. [Read more »](#)

### **EMPLOYMENT**

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Wellington Insurance Group Inc.  
Zynga Inc.

= 9

### **GOVERNMENT AGENCIES**

California Department of Justice  
Centers for Disease Control and Prevention

Congressional Budget Office  
Equal Employment Opportunity Commission

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European Commission

European Union

Executive Office of the President

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Federal Communications Commission

Federal Reserve System

Florida Department of Education

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Florida State Senate

Food and Drug Administration

Georgia General Assembly

Internal Revenue Service

National Highway Traffic Safety Administration

National Labor Relations Board

National Railroad Passenger Corporation

Navajo Nation

New Jersey Legislature

Office of Foreign Assets Control

Securities and Exchange Commission

Serious Fraud Office

Social Security Administration

U.S. Attorney's Office

## **NLRB Puts Prior Joint Employer Test Back In Play**

= A The National Labor Relations Board on Monday unanimously vacated its recent Hy-Brand joint employer ruling in light of an inspector general report that faulted board member Bill Emanuel for improperly participating in that case, meaning that the 2015 Browning-Ferris test for determining joint employment is once again the law of the land. = 9 [Read more »](#)

## **III. Union Sues To Avoid Repping Non-Members Post-Janus**

The Local 150 chapter of the International Union of Operating Engineers is attempting to poke holes in a ruling that the U.S. Supreme Court has not yet made, filing suit last week asking to be exempted from a state statute that mandates unions collectively bargain for and otherwise represent public employees who do not contribute to the union. [Read more »](#)

## **CYBERSECURITY & PRIVACY**

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## **UK Data Regulator Vows 'Tough Action' To Protect Consumers**

The U.K.'s data protection commissioner on Friday previewed her plans for enforcing a number of sweeping upcoming changes to the European Union's privacy regime, stressing that her office wouldn't hesitate to take "tough action" to protect consumers from businesses that fail to meet or ignore their legal obligations. [Read more »](#)

## **AEROSPACE & DEFENSE**

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## **Civilian Hospitals To Train Military Docs Under House Bill**

The U.S. Defense Department could soon expand training of its military doctors in civilian trauma centers under a bill passed by the House of Representatives Monday, intent on

U.S. Department of Health and Human Services

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U.S. Department of Homeland Security

U.S. Department of Justice

U.S. Department of Labor

U.S. Department of Transportation

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U.S. Department of the Treasury

U.S. Environmental Protection Agency

U.S. Marine Corps

U.S. Senate

U.S. Supreme Court

United Nations

keeping military doctors' training up to par.  
Read more = 2

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### **DHS Deputy Secretary To Step Down After Just One Year**

U.S. Department of Homeland Security second in command Elaine Duke, known for leading the agency's recent hurricane relief efforts and cuts to its Temporary Protected Status program, will retire from her post in April, the department announced Friday. Read more »

## **INTERNATIONAL TRADE**

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### **Treasury Issues Sanctions For Libyan Oil Smuggling**

The U.S. Department of the Treasury on Monday sanctioned six people, 24 entities and seven vessels for illegally exploiting Libyan oil, stating that the oil's illicit production, selling and exporting threatens peace in the country. Read more »

### **US Asks Peru To Verify Timber Exports Are Legal**

The Trump administration on Monday asked the government of Peru to show that three recent timber exports to the U.S. were sourced in compliance with the environmental rules laid out in the two countries' bilateral trade deal, raising questions about illegal operations in Peru's logging industry. = 9 Read more »

## **TAX**

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### **Prominent US Treasury Tax Official Abruptly Resigns = 9**

A top U.S. Department of Treasury official expected to work closely on promulgating the highly anticipated regulations under the new federal tax legislation has resigned unexpectedly. Read more »

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### **Ga. Lt. Gov. Threatens To Wield Tax Code To Punish Delta = 9**

The Republican lieutenant governor of Georgia threatened on Monday to use the tax code to retaliate against Delta Air Lines Inc., one of the largest employers in his state, because the company announced it was breaking ties with the National Rifle Association. [Read more »](#)

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### **NJ Senate Passes Bill To Protect Tax Agreement With Pa.**

The New Jersey Senate on Monday voted unanimously to approve a bill that would prevent the governor from unilaterally withdrawing from personal income tax agreements with other states. [Read more »](#)

### **NJ Senate Passes Charity Donations Bill To Fight SALT Cap**

The New Jersey Senate passed a bill Monday that would allow for property tax credits for making certain qualified charitable donations on behalf of real property, a rebuke to the Tax Cuts and Jobs Act, P.L. 115-97, which limited the total state and local tax deduction to \$10,000. [Read more »](#)

### **EU State Aid Probes Aim At Tax Loopholes, Specialist Says**

The European Commission's allegations accusing countries of granting anticompetitive state aid to multinational companies are an attempt to tackle tax avoidance techniques that exploit loopholes in policy but are not illegal, a practitioner said during a lecture on Monday. [Read more »](#)

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### **Tax Cut Law More About Political Optics, Panelist Says**

Companies have been promising job growth and new investment in the U.S. as a result of the recently passed federal tax cut bill, but those announcements are likely motivated by

politics and not the economic effects of the new law, William G. Gale, a senior fellow at the Brookings Institution, said at a conference Monday. [Read more »](#)

## IMMIGRATION

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### **Advocates Ask High Court To Join Travel Ban Case**

The International Refugee Assistance Project and other advocacy groups asked the U.S. Supreme Court on Friday to hear their arguments against President Trump's travel ban along with the state of Hawaii's, which are set for April 25, saying courts have unfairly restricted travel to those with "bona fide" relationships in the country. [Read more »](#)

## NATIVE AMERICAN

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### **House OKs Amber Alert Expansion For Tribal Lands**

= 9 The House of Representatives passed a bill Monday that would expand the Amber Alert program on tribal lands, a measure that would allow federal grants for the program to be used by tribes as well by the states. [Read more »](#)

## TELECOMMUNICATIONS

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### **Infrastructure Plan Not Shorting Broadband: White House**

The White House released a fact sheet Friday apparently intent on dispelling criticism that President Donald Trump's plan to direct \$200 billion in federal dollars to infrastructure projects earmarks no money specifically toward expanding broadband internet access, even in rural areas where broadband deployment is already lacking. [Read more »](#)

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Feature

### **15 Minutes With Twilio's General Counsel**

Karyn Smith's journey from BigLaw attorney to general counsel for communications platform Twilio has given her a unique vantage point on the changing media world, from net neutrality to customer confidence to data privacy concerns. [Read more »](#)

## **FCC To Hold 2 Spectrum Auctions For 5G Buildout**

The Federal Communications Commission is planning to hold two back-to-back spectrum auctions starting this fall to make high band frequencies available for 5G use, FCC Chairman Ajit Pai said Monday, highlighting the agency's efforts to assist the country's development of the next-generation wireless technology. [Read more »](#)

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## **Group Says FCC's O'Reilly Flouted Hatch Act, Should Resign**

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An ethics watchdog on Friday blasted FCC commissioner Michael O'Reilly's endorsement of President Donald Trump's re-election at a conservative political event, with its executive director saying O'Reilly should resign for a flagrant Hatch Act violation. [Read more »](#)

## **EXPERT ANALYSIS**

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## **Anticipating This Year's HIPAA Enforcement Trends**

The U.S. Department of Health and Human Services and the president's budget give a clear directional sense for what Health Insurance Portability and Accountability Act enforcement could consist of in 2018 and the foreseeable future. And the name of that game appears to be "less is more," says David Saunders of Jenner & Block LLP. [Read more »](#)

**Series**

## **EPA In The Trump Era: Enforcement And Compliance Changes**

The U.S. Environmental Protection Agency's enforcement machine does not turn on a dime, and a year of enforcement data does not establish a trend. While the first 12 months may not have cemented a new approach to enforcement and compliance, year two is as good a time as any to offer a few first impressions, says Wayne D'Angelo, former director of strategic planning and advance at the EPA and a partner at Kelley Drye & Warren LLP. [Read more »](#)

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## **What To Expect From EEOC's New Harassment Guidance**

Earlier this month U.S. Equal Employment Opportunity Commission Acting Chair Victoria Lipnic stated the agency will release its new guidance on sexual harassment "soon." What it will look like is anyone's guess, but the EEOC intends it to replace several previously issued documents, and it appears to be a fairly comprehensive summary of the current state of the law, says Kristin Klein Wheaton of Goldberg Segalla LLP. [Read more »](#)

## **Inside The Final DOL Regulations On Disability Claims**

New U.S. Department of Labor regulations aimed at Employee Retirement Income Security Act-governed disability plans, which take effect April 1, will likely require amendments to most plans that confer benefits based on a participant's (or beneficiary's) disability, says Arthur Marrapese of Barclay Damon LLP. [Read more »](#)

## **So Far, So Right — Menchaca Has Not Changed Appraisal Law**

= 9Ten months ago, the Supreme Court of Texas issued an opinion in *USAA v. Menchaca*, which some claimed would change the course of Texas precedent regarding extracontractual liability. As predicted in a



previous Law360 guest article, however, the decision has yet to disturb the finality of an appraisal award, says Victoria Vish of Zelle LLP. [Read more »](#)

### **Tax Reform's Impacts On Pass-Through Entities = 9**



The tax reform bill passed at the end of 2017 includes numerous provisions affecting pass-through entities and their owners. These provisions are complex, and create both strategic opportunities and pitfalls for the unwary. In this video, Wes Sheumaker and Eric Santos of Eversheds Sutherland LLP discuss the 20 percent deduction for qualified business income and the limitation on excess business losses. [Read more »](#)

## **LEGAL INDUSTRY**

Feature

### **4 Essential Tasks New GCs Should Immediately Conquer**

The beginning days, weeks and months as a new general counsel or chief legal officer are vital to success. First impressions and chaos control count, and there's a lot of groundwork to cover when settling in to a position, whether it's at a different company or the result of a promotion. Here, Law360 looks at the crucial first steps for every new top lawyer to tackle. [Read more »](#)

### **Law Partners' Hourly Rates Keep Climbing**

The U.S. legal sector saw widespread increases in partner billing rates last year, led by a dominant 8 percent hike in the median rate among the 50 largest law firms, according to a report out Tuesday. [Read more 1/2 B](#)

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### **Bryan Cave And BLP Approve Transatlantic Merger**

St. Louis-headquartered Bryan Cave LLP and U.K.-based Berwin Leighton Paisner have agreed to merge and will launch a new fully integrated transatlantic firm in April, the firms announced on Monday. [Read more »](#)

### **Ex-Dechert Client Seeks Subpoena For Leaked Letter's Source**

A former Dechert LLP client petitioned a California federal court on Friday to subpoena a correspondent for a British paper to discover how he obtained an allegedly damaging letter penned by the firm, claiming after an "acrimonious" split with Dechert, the firm "had an apparent motive to leak the letter." [Read more »](#) = 9

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Sent: Tuesday, February 27, 2018 10:31 AM

To: Rep30

Subject: Cap to Cap: This Week: Gun Control and Remembering the Rev. Billy Graham



## CapitoltoCapitol

NATIONAL CONFERENCE of STATE LEGISLATURES



Feb. 27, 2018

*In This Issue:*

**This Week: Gun Control and Remembering the Rev. Billy Graham**

**US Supreme Court Hears Arguments in Union Dues Case**

**White House Meeting on School Safety**

**Supreme Court to Hear Online Sales Tax Case in April**

**DACA and Immigration Debate Stalls in Senate**

**Congressional Appropriators Race to March 23 Deadline**

**House Republicans Signal Willingness to Negotiate with Senate on Banking Reform Measures**

**Also of Note...**

**This Week: Gun Control and Remembering the Rev. Billy Graham**

Congress returned yesterday from its Presidents' Day recess, which was dominated by the issue of gun control. Since the Feb. 14 shooting at Stoneman Douglas High School in Parkland, Fla., the nation has been immersed in an intense debate on what to do to prevent future school shootings. However, don't expect Congress to act this week. While the Senate will be in session all week, the House will conclude business today to make way for the remembrance of Rev. Billy Graham, who will become only the fourth private citizen to lie in honor in the Capitol Rotunda on Wednesday and Thursday.

**US Supreme Court Hears Arguments in Union Dues Case**

Perhaps the most significant debate on Capitol Hill this week will take place yesterday in the U.S. Supreme Court. The decision could not only affect every member of a public sector union but also result in the largest shift in federal education policy in 40 years.

On Monday, the U.S. Supreme Court heard oral argument in Janus v. American Federation of State, County and Municipal Employees (AFSCME) Council 31. Mark Janus, a public-sector employee in Illinois, is challenging the constitutionality of a state statute allowing public sector employers and unions to agree that employees who don't join the union must still pay their "fair share" of collective bargaining costs. Janus argues that

requiring him to pay his "fair share" of union dues is a violation of his First Amendment free speech rights. Janus asserts he should have the choice to join or not join, pay or don't pay.

Since 1977, when the US Supreme Court ruled in Abood v. Detroit Board of Education, public employees subject to fair share agreements have been required to pay for union representation, even if the worker doesn't join the union.

It is estimated that *Janus v. AFSCME* could impact 5.5 million public sector employees. The ruling could alter the relationship between labor and management, nationwide union membership and dues collection. At present, 22 states authorize fair share for public sector employees.

The *Janus* decision may have an outsized impact on public education given that two of the three largest public sector unions in the nation relate to education= 7the National Education Association and the American Federation of Teachers. Employees in education had the highest unionization rate of all sectors, with 37.2 percent being represented by a union.

On Dec. 5, attorneys general in 20 states (Michigan, Alabama, Arizona, Arkansas, Florida, Georgia, Idaho, Indiana, Kansas, Louisiana, Missouri, Nebraska, Nevada, Oklahoma, South Carolina, Tennessee, Texas, Utah, West Virginia, and Wisconsin) filed an amicus curiae brief in support of Janus. On Jan. 19, attorneys general in 20 states (New York, Alaska, Connecticut, Delaware, Hawaii, Iowa, Kentucky, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New Mexico, North Carolina, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia and Washington) and the District of Columbia filed an amicus curiae brief in support of AFSCME.

In 2016, the U.S. Supreme Court considered a similar case Friedrichs v. California Teachers Union. With the death of Justice Antonin Scalia, the Court deadlocked with a 4-4 decision. Justice Gorsuch could be the swing vote to overturn *Abood*. A decision is expected by the end of June.

**NCSL Contacts:** Jon Jukuri (labor), Joan Wodiska (education)

**DYK?** Sunday marked the 25th anniversary of the first terror attack on the World Trade Center. The attack, which killed six people and injured more than a thousand others, involved Islamic terrorists who blew up a 1,200 pound bomb in an underground parking garage in an attempt to collapse the twin towers.

### **White House Meeting on School Safety**

In the wake of the Parkland, Fla., school shooting, last week President Donald Trump, Vice President Mike Pence, and Secretary of Education, Betsy DeVos met with more than 40 survivors, teachers and community members to discuss strategies to reduce school violence. In the meeting, the president expressed his support to improve federal background checks on gun purchases, equip school staff with firearms and explore other avenues to improve school safety. The president also issued a Presidential Memorandum directing the U.S. Department of Justice to "expeditiously as possible, to propose for notice and comment a rule banning all devices that turn legal weapons into machineguns." An official federal regulatory review of the "bump stock" rule began last fall, following the deadly shooting in Las Vegas, Nev. Over 100,000 comments were received and are being reviewed by the Justice Department.

**NCSL Contact:** Joan Wodiska

### **Supreme Court to Hear Online Sales Tax Case in April**

On Friday, the Supreme Court set the argument date for the *South Dakota v. Wayfair* remote sales tax case for Tuesday, April 17. If the court rules in the South Dakota's favor, every state could be granted the authority to require remote businesses to collect and remit sales taxes on transactions made by their state's residents. If South Dakota loses, the long-term viability of the sales tax as a state revenue stream for states may be in jeopardy. For more, visit NCSL's page that summarizes the case as well as the history of remote sales tax collection issue in the states.

**NCSL Contacts:** Max Behlke, Jake Lestock

### **DACA and Immigration Debate Stalls in Senate**

Before Congress recessed, and before the re-emergence of the gun control debate, a fierce debate on immigration consumed Capitol Hill. However, lawmakers on Capitol Hill failed to reach a consensus on the issues of immigration reform, border security and the "Dreamers" and there is still no clear path forward for a comprehensive deal. In the Senate, neither of the four immigration-related proposals cleared the 60 vote threshold needed to advance legislation and it is unlikely that any proposal from the House would be entertained by the Senate.

While the president had set March 5 as the deadline for Deferred Action for Childhood Arrivals (DACA) recipients, at which point he would terminate the program, federal district judges in California and New York have delayed that possibility, thus allowing more time for negotiators to work out a deal. On Monday morning, the U.S. Supreme Court denied the administration's request to rule on the legality of DACA in advance of a U.S. Circuit Court decision. In a one sentence denial of the administration's request, the Court stated, "[i]t is assumed that the Court of Appeals will proceed expeditiously to decide this case." The Court of Appeals is expected to rule on the injunction as early as April.

**NCSL Contact:** Susan Frederick, Lucia Bragg

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**NCSL Contact:** [Susan Frederick](#), [Lucia Bragg](#)

**DYK?** Since 1870, when Senator [Hiram Revels](#) of Mississippi and Representative [Joseph Rainey](#) of South Carolina became the first African Americans to serve in Congress, a total of 153 African Americans have served as U.S. Representatives, Delegates, or Senators.



## **Congressional Appropriators Race to March 23 Deadline**

The Bipartisan Budget Act of 2018 included the fifth continuing resolution (CR) for fiscal year (FY) 2018 and set new spending caps on how much the government can spend through FY 2019. Now, lawmakers have just four weeks to craft the 12 annual appropriations bills, or one combined omnibus bill, before March 23 when the government is at risk of another government shutdown. To make things even more complicated, the budget deal also had several informal agreements that were agreed to, but did not give specifics. This includes yearly funding of:

- \$3 billion to "fight against the opioid and mental health crises."
- \$10 billion for infrastructure.
- \$2 billion to "rebuild and improve" veteran's health care.
- \$2 billion for "college affordability."
- \$2.9 billion for the child care development block grant.
- \$1 billion for the National Institutes of Health.

Now, appropriators will have to translate how this funding will look while the party leaders act as chaperones to make sure everybody complies with the deal's stipulations. This also may be the last major legislative vehicle of the year, so you can bet lawmakers are rushing to get their priority bills added to the omnibus. The budget deal reached earlier this month also created a joint committee that is specifically tasked with "advancing reforms to the budget and appropriations process." Last week, House leaders made their selections on who would try to tackle this monstrous task. Speaker Paul Ryan chose Steve Womack (R-Ark.), Rob Woodall (R-Ga.), Jodey Arrington (R-Texas), and Pete Sessions (R-Texas), while Minority Leader Nancy Pelosi chose Nita Lowery (D-N.Y.), Lucille Roybal-Allard (D-Calif.), Derek Kilmer (D-Wash.) and John Yarmuth (D-Ky.). Senate leaders have yet to name their eight members to the reform committee.

NCSL Contacts: [Max Behlke](#), [Jake Lestock](#)

**DYK?** On Feb. 25, 1863, 155 years ago, President Abraham Lincoln signed the National Currency Act (later called the "National Bank Act"), which was the first attempt to establish a central bank following the failures of the First and Second Banks of the United States. The law aim to address the hodge-podge of local banks, local money, and conflicting regulatory standards that existed before the Civil War. The act allowed for the creation of national banks, planned for a national currency, and gave the federal government the ability to sell war bonds and securities.

## House Republicans Signal Willingness to Negotiate with Senate on Banking Reform Measures

House Financial Services Committee Chair, Jeb Hensarling (R-Texas), appears to be open to negotiations with the Senate on Dodd-Frank rollback measures. Hensarling, who has a steady track record of wanting to wholly dismantle Dodd-Frank, now seems to be open to more moderate reforms in a strategic attempt to get legislation to the president's desk.

Hensarling's original banking reform legislation, the Financial CHOICE Act of 2017, would have removed significant portions of Dodd-Frank. His new strategy consists of multiple individual bills amounting to an a la carte offering of banking reform measures. House Republicans are hoping that this strategy is more palatable to moderate senators than the sweeping Financial CHOICE Act, which many deemed D.O.A. in the Senate last year after it passed the House.

In his attempt to work with the Senate, Hensarling seems willing to ease up on tough reform proposals designed to slash the Consumer Financial Protection Bureau—an agency that has proven to be a political lightning rod since its Dodd-Frank inception in 2010. Bipartisan policies that seem to be on the table in both chambers include relaxing regulatory oversight of credit rating agencies and increasing capital holdings thresholds for small and mid-sized banks that currently require heightened scrutiny under Dodd-Frank.

These latest attempts to move bi-partisan banking reform legislation come at the chagrin of some Democrats who feel that such measures would amount to taking a step back after progress made in the post-Great Recession era. If the House and Senate can successfully negotiate the legislation, the president has signaled ardent support for legislation that rolls-back Dodd-Frank in any form.

**NCSL Contact:** [Ethan Wilson](#)

### Also of Note...

- [Governors to Washington: Stop dithering on guns](#) – POLITICO

State leaders from both parties implored federal lawmakers this weekend to listen to their states' examples for responsible firearm legislation after the school shooting in Parkland, Fla., increasingly exasperated with the slow pace of debate and halting progress in the nation's capital.

- [Trump's personal pilot 'in the mix' to lead the Federal Aviation Administration](#) – Washington Post

President Trump's personal pilot is "in the mix" to lead the Federal Aviation Administration, a White House official confirmed Sunday night.

- [After testy call with Trump over border wall, Mexican president shelves plan to visit White House](#) – Washington Post

Tentative plans for Mexican President Enrique Peña Nieto to make his first visit to the White House to meet with President Trump were scuttled this week after a testy call between the two leaders ended in an impasse over Trump's promised border wall, according to U.S. and Mexican officials.

- [California Democratic Party doesn't endorse Feinstein re-election bid](#) – Fox News

The California Democratic Party will not endorse Sen. Dianne Feinstein's re-election bid this year, with delegates at the party's annual convention giving the majority of votes to her top primary challenger, progressive State Sen. Kevin de Leon.

- [Read the Democratic rebuttal to the Nunes memo, annotated](#) – Washington Post

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[Read the Feb. 12, 2018 Capitol-to-Capitol.](#)

Like Capitol-to-Capitol? Have ideas or suggestions for how it can be improved? Please take two minutes to let us know in this [very short survey!](#)

We are always looking for interesting trivia about states, legislatures and American history. If you have some great facts, don't keep them to yourself. Let us know by clicking [here](#). We will likely include them in a future edition of Capitol to Capitol!

If you have comments or suggestions, please contact [Max Behlke](#).

[Read More](#)

*Capitol to Capitol is a publication of the National Conference of State Legislatures. NCSL is recognized as a formidable lobbying force in Washington, D.C. NCSL works to protect states from unfunded federal mandates and unwarranted federal pre-emption of state authority, and seeks to provide state legislatures the flexibility they need to innovate and be responsive to the unique needs of their residents. NCSL's advocacy is guided by the policy directives and resolutions adopted during NCSL's Legislative Summit.*



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**From:** NCSL TODAY

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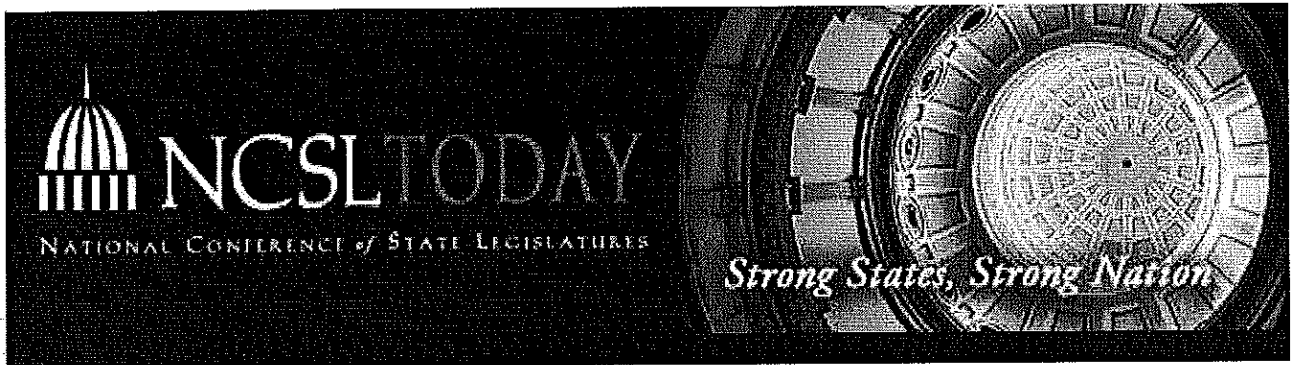
**To:** Rep30

**Subject:** What states are doing about gun laws in wake of Florida shooting

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## **TOP NEWS** Feb. 27, 2018

### **What states are doing about gun laws in wake of Florida shooting**

*The New York Times*

It is not just in Florida, where the mass shooting at a high school is prompting lawmakers to take up gun control legislation. The same thing is happening across the country, from Washington to Vermont.

[NCSL Blog post on carrying firearms in K-12 schools.](#)

### **Supreme Court to hear online tax case April 17**

Bloomberg

The U.S. Supreme Court will soon hear a long-simmering challenge about states' taxing authority over online retailers. And states should have the high court's answer by the start of summer. **NCSL brief cited.**

[NCSL resources on remote sales tax collection.](#)

### **What the Supreme Court's ruling means for DACA and 'Dreamers'**

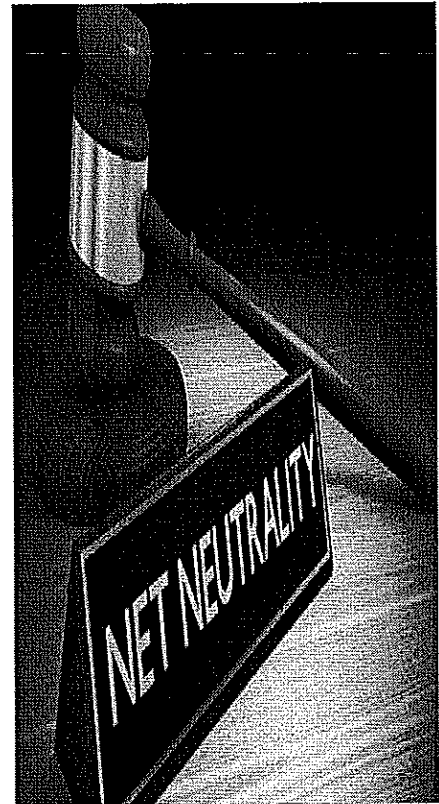
*USA TODAY*

By refusing to hear a California case, the high court ensured that DACA will survive at least through the fall, giving DACA enrollees a temporary reprieve from deportation and Congress more time to craft a permanent solution for them.

[NCSL resources on DACA.](#)

### **Iowa lawmakers move to allow health plans that skirt Obamacare rules**

*The Des Moines Register*



### **Net neutrality legislation in the states**

Net neutrality legislation has been introduced in over half of the states, largely in response to the Federal Communications Commission Restoring Internet Freedom Order.

### **2018 legislative races by state and chamber**

The Iowa Farm Bureau Federation could offer health insurance plans that don't comply with the federal Affordable Care Act under legislation advancing in the Iowa Legislature.

### **New Jersey lawmakers: Let inmates vote from prison**

*NJ.com*

State lawmakers on Monday announced legislation that would return voting rights to nearly 100,000 people locked up in prison or serving parole or probation.

[NCSL resources on felon voting rights.](#)

### **Feds provide Connecticut schools money for new students from Puerto Rico**

*CT Mirror*

Connecticut schools scrambled to accommodate the new arrivals — most of them non-English speakers — without additional resources from a cash-strapped state government.

### **Webinar March 9: Fiscal 50 - How does your state rank?**

### **Price of democracy: Splitting the bill for elections**



### **Gorsuch silent during SCOTUS union dues oral argument**

If there ever was a case where the vote of only one Justice is likely to matter it is *Janus v. American Federation of State, County and Municipal Employees*. All attention was focused on Justice Neal Gorsuch this morning as the Supreme Court held oral argument in this case. And he was...silent.



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**From:** AEI Events

**Sent:** Friday, March 2, 2018 8:56 AM

**To:** Rep30

**Subject:** Invitation: The future of infrastructure policy under the Trump administration:  
Remarks from Department of Transportation Under Secretary Derek Kan (March 22)

# Events



## **The future of infrastructure policy under the Trump administration: Remarks from Department of Transportation Under Secretary Derek Kan**

**Thursday, March 22, 2018 | 2:00? 3:30 PM**

**AEI, Auditorium | 1789 Massachusetts Avenue, NW | Washington, DC 20036**

Under Secretary for Policy at the Department of Transportation Derek Kan outlines the details of the Trump administration's infrastructure plan. Following his remarks, AEI's R. Richard Geddes will lead a discussion among infrastructure policy experts to review the main elements of the proposal and the future of US infrastructure policy.

**RSVP** [Watch Live Online](#)

### **DESCRIPTION**

The Trump administration released its long-awaited infrastructure plan on February 12. The plan includes \$200 billion in federal spending to incentivize \$1.5 trillion in new infrastructure investment nationally. It would streamline environmental permitting, create incentives for state and local governments to raise more revenue, and support greater use of public-private partnerships and other mechanisms to facilitate private participation in infrastructure delivery.

Join AEI as Under Secretary for Policy at the Department of Transportation Derek Kan



outlines the details of the Trump administration's infrastructure plan. Following his remarks, AEI's R. Richard Geddes will lead a discussion among infrastructure policy experts to review the main elements of the proposal and the future of US infrastructure policy.

Join the conversation on social media by following [@AEI](#) and [@AEIecon](#) on Twitter and Facebook.

## PARTICIPANTS

**Kevin DeGood**, Center for American Progress

**R. Richard Geddes**, AEI; Cornell University

**Derek Kan**, Under Secretary for Policy, Department of Transportation

**Joung Lee**, American Association of State Highway and Transportation Officials

**Robert A. Poole**, Reason Foundation

**Matt Rose**, BNSF Railway Company

## REGISTER

RSVP to attend this event.

To watch live online, click [here](#) on March 22 at 2:00 PM ET. Registration is not required.

## CONTACTS

For more information, please contact Isabelle Staff at [Isabelle.Staff@aei.org](mailto:Isabelle.Staff@aei.org), 202.862.5885.

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**From:** Max.Behlke@ncsl.org

**Sent:** Monday, March 5, 2018 4:33 PM

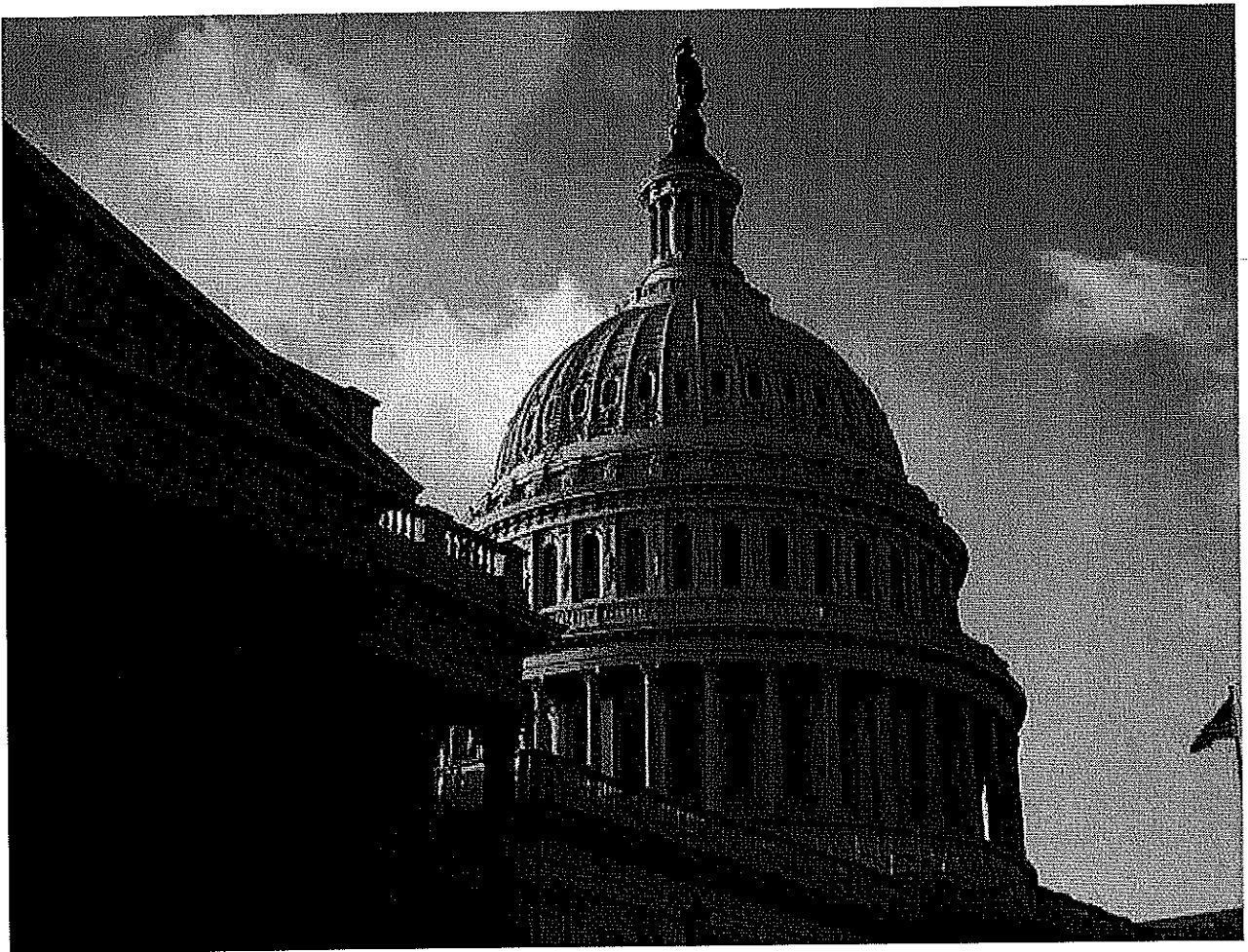
**To:** Rep30

**Subject:** Cap to Cap: Trump: New NAFTA Would Prevent Proposed Tariffs



## CapitoltoCapitol

NATIONAL CONFERENCE *of* STATE LEGISLATURES



Mar. 5, 2018

*In This Issue:*

Trump: New NAFTA Would Prevent Proposed Tarrifs

Seventh round of the North American Free Trade Agreement (NAFTA) Renegotiations Wrap up Today This Week on Capitol Hill

Roadblock to 2018 Infrastructure Bill?

Commerce Committees Announce Broad Telecom Package

Federal Reserve Chair Jerome Powell Testifies before Congress

Senate to Debate Bill That Exempts Small Banks from Dodd-Frank

Carrying Firearms in K-12 Schools

Court Hears Oral Argument in Janus v. AFSCME Case

NCSL Files Amicus Brief in South Dakota v. Wayfair Sales Tax Case

Opioids Crisis Garners Further Federal Attention

Also of Note...

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## **Trump: New NAFTA Would Prevent Proposed Tariffs**

Last Thursday, President Donald Trump announced that the United States would impose 25 percent tariffs on imported steel and 10 percent tariffs on imported aluminum. The move, which surprised many in Washington and even many of the president's advisers, rattled the stock market as well as many manufacturing companies that rely on the metals. The announcement also surprised officials in the European Union, who have threatened to retaliate by imposing penalties on \$3.5 billion of U.S. exports, especially on products manufactured in states of Republicans leaders, including Harley-Davidson motorcycles (Wisconsin, Speaker Paul Ryan) and bourbon (Kentucky, Senate Majority Leader Mitch McConnell).

The U.S. has experimented with steel tariffs relatively recently. In 2002, President George W. Bush imposed sweeping tariffs on steel imports but dropped them in 2003. The tariffs raised the cost of steel by 3 percent and a 2003 study by the research firm Trade Partnership Worldwide estimated that the higher steel prices, caused chiefly by the tariffs, cost 200,000 steel-consuming jobs in 2003, largely in manufacturing.

This morning, the president tied the tariffs to the ongoing negotiations to rewrite the North American Free Trade Agreement (NAFTA) by tweeting that the "Tariffs on Steel and Aluminum will only come off if new & fair NAFTA agreement is signed." The comments are not particularly surprising as Canada and Mexico were the first and fourth top suppliers of U.S. imported steel in 2017. Given that it is an election year both in the U.S. and in Mexico, many NAFTA watchers believe that talks to renegotiate the three-country agreement may last the rest of the year. However, retaliation against the U.S. tariffs could come much more quickly.

### **Seventh round of the North American Free Trade Agreement (NAFTA) Renegotiations Wrap up Today**

Representatives from Mexico, Canada and the U.S. convened over the past week for the seventh round of NAFTA negotiations in Mexico City.

Later today, the seventh-round negotiations are scheduled to conclude with a meeting among the U.S. Trade Representative Robert Lighthizer, Canadian Foreign Minister Chrystia Freeland and Mexican Economy Minister Ildefonso Guajardo. The three top trade officials from the NAFTA countries are expected to hold a press conference after the formal round of negotiations are completed.

Last week, Trump announced plans to impose tariffs on steel (25 percent) and aluminum (10 percent) to protect national security interests. However, Trump has not specified whether he will grant exemptions to the tariffs for key allies and vital trading partners. An eighth round of NAFTA negotiations in Washington, D.C., is expected to be held in early April.

**NCSL Contacts:** Jon Jukuri

### **This Week on Capitol Hill**

The Senate is turning to banking reform as efforts to pass gun control legislation appear to have stalled. The financial legislation, which will provide relief to small financial institutions and community banks, would be the first rewrite of the Dodd-Frank reform bill, legislation enacted nearly eight years ago in wake of the financial crisis. The legislation is expected to consume most of the chamber's floor time this week.

During its brief sessions on Monday and Tuesday last week, the House passed a bill to make it easier for victims and prosecutors to sue websites linked to sex trafficking. This week, the House is expected to vote on two energy and environment bills: the Blocking Regulatory Interference from Closing Kilns (BRICK) Act and the Satisfying Energy Needs and Saving the Environment (SENSE) Act. The BRICK Act would change certain Environmental Protection Agency regulations to benefit the brick and structural clay ceramics manufacturing industries. The SENSE Act would exempt certain power plants, which burn coal refuse, from parts of a 2012 air pollution rule. The House is expected to vote on the bills on Wednesday and Thursday.

The House is also expected to vote on the Comprehensive Regulatory Review Act on Tuesday, which is aimed at eliminating outdated or unnecessary regulations. The bill would require the audit of financial regulations to be completed every seven years, instead of every 10, and would expand the number of federal financial agencies the review requirements apply to.

**DYK?** Until the adoption of the 20th Amendment to the U.S. Constitution in 1933, U.S. presidents were inaugurated on March 4. However, the first president, George Washington, was not inaugurated until April 30. Although Congress had scheduled the first inauguration for March 4, 1789, they were unable to count the electoral ballots as early as anticipated.

### **Roadblock to 2018 Infrastructure Bill?**

Last week, Assistant Majority Leader, Senator John Cornyn (R-Texas) conveyed doubt that a large infrastructure package would pass Congress by the end of the year because of the large number of other priorities it must complete. While last month's budget deal calls for a \$10 billion boost to infrastructure funding for both FY 2018 and FY 2019, it remains unclear how such funding will be allocated with broadband, surface transportation, and clean and safe drinking water among a bevy of potential options.

While the funding in the budget deal is needed given the state of the nation's infrastructure, it is far from Trump's proposed \$1.5 trillion infrastructure plan. Senator Tom Carper (D-Del.), the ranking member of the Senate Environment and Public Works Committee, responded to Cornyn's remarks by saying, "I hope he's wrong. This administration, the president has talked so much about infrastructure, transportation, broadband deployment, water, sewer. If we can't figure out a path forward on this, shame on the president, shame on the administration, shame on the Congress."